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THE CHINESE

AND

THE CHINESE QUESTION

BY

JAMES A. WHITNEY, LL.D.

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NEW YORK

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1880

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PREFATORY NOTE.

THIS monograph comprises three lectures delivered by the author before the NEW YORK ACADEMY OF THE USEFUL ARTS on August 25th, September 29th and October 27th of the present year. Of these the first two (pages 1 to 62 hereof inclusive) have appeared in the NATIONAL QUARTERLY REVIEW for October ultimo. The third (pages 63 to 87 hereof inclusive) is added in the belief that an exposition of the legal principle involved in the remedy of existing evils, is hardly less necessary or desirable than is the consideration of their nature and tendencies.

In urging his convictions concerning the all-important topic of Chinese immigration, the author speaks from no immature judgment and expresses no hastily formed opinion. His attention was first called to the subject during a visit to the Pacific Coast ten years ago, and from that time to the present it has been to him a matter of no inconsiderable

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investigation and reflection. It is perhaps needless to say that these pages would not have been presented to public notice, had he not carefully verified his statements and were he not fully convinced as to what deductions must inevitably be drawn from established facts.

140 Nassau St,
New York City, N. Y.,
November, 1880.

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ERRATA.

Page 8, line 11, for duplicate word "*furnaces*" read "evaporators."
Page 16, line 33, for "*twenty-two*" read "twenty-three."
Page 17, line 4, for "*two*" read "four."

THE CHINESE

AND

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JAMES A. WHITNEY, LL. D.

THE Chinese problem is not merely a question of temporary disturbance to a single community. It is one of the migration of races; of the overflow of redundant populations upon comparatively unsettled regions. In its political, social, industrial and commercial bearings upon the future of our country it is of broader import than any other that has ever engaged the attention of the American people. Its proper consideration calls for the laborious examination of many facts, and for a careful investigation of their numerous and complex relations. And it requires that investigations be made, and that deductions be drawn, with the calmness of judicial impartiality. In this, as in every other matter of broad international concern, the narrow pathway of truth is that which leads to safety, and truth is gained only by taking facts without disguise and treating them without prejudice. My own studies have convinced me that Chinese immigration is full of danger to our country, to our institutions, and to our people. My reasons for this will be given in the course of this article, and it will be seen that they are based, not upon unreflecting hostility to any race, but upon proofs that we have opened to a colossal people the opportunity for limitless aggrandizement at our expense, and that we have done this with a recklessness that could only be equalled by one who, dwelling on lands below the level of the sea, should break

down the dykes that hold the impending waves. And if it shall seem that I lay too much stress upon the historical development of China, her laws, her customs, and the character of her people, remember that in a subject so wide and so deep, we shall be most content with our conclusions if we deduce them, not from merely proximate data, but from those that are original and undeniable, even if remote.

For it is only through the study of the past of China that one may form a clear conception of the present character and tendencies of her people. And this conception, when gained, must constitute the basis of all accurate perception of her future relations with the outside world. A population comprising one third of the human race, of a mental, moral and physical type indigenous to the soil, unmodified by external influences and intensified by isolation and successive repetition through tens of centuries, must, in the nature of things, possess an inertia peculiarly its own. The future direction of this can only be foreseen from a knowledge of its line of movement in former times. The slow but progressive development of China has produced a civilization in which the low level of moral and physical life incident to debased and enslaved races is strangely combined with an intellectual vigor that, in all the requirements and vicissitudes of a complex social and political system, has proved itself equal to the promotion of learning and the extension of arts, and to the elaboration of methods and traditions of state-craft not inferior to those that have controlled the policy of European countries and of our own. To understand this, and the logical outcome thereof, is manifestly the first step to a proper appreciation of the conditions of the conflict, peaceful or otherwise, impending between the Turanian and the Aryan races. And such an understanding is best gained by the laborious but fruitful process of tracing the development of China through its salient causes and more noticeable results from the time when offshoots of unlettered tribes crept downward from the Altaic mountains to find homes on the marshy borders of the Hoang-Ho.

China is, for the most part, a fertile plain or basin, bounded

on the east by the Pacific, on all other sides by elevated and comparatively barren plateaus and ranges of lofty mountains. It is watered by two great rivers, the Yellow or Hoang-Ho, and the Blue or Yang-ste-Kiang, and their tributaries. It was upon the banks of these rivers that the Scythian progenitors of the present population formed their earliest settlements. The date is lost in the mists of legendary and mythical traditions, but it is known that nearly twenty-three centuries before the Christian era the Chinese possessed a written language; and as this was original and not derived from any external source, there must have been many ages before this stage of comparative progress was attained. The Yellow River is dyked along its length to prevent its floods from overwhelming the adjoining lands, and its bed is thirty feet above the level of the surrounding country—this elevation having been caused by the gradual deposition of earthy material from the heavily-laden waters. Assuming, although in the nature of things it can be only an assumption, that this deposit is in the same ratio as that laid upon the valley of Egypt by the inundations of the Nile—four inches in a century—it is easy to infer how long a period may have elapsed since the artificial banks were first raised by a sedentary people to protect their fields from injurious overflow. It is, however, sufficient to accept the usually acknowledged date of the beginning of letters as the period in which the character of the race began to harden into permanent form, and the institutions which illustrate if they have not caused its permanence, began to have the force of organic laws. This was but two hundred years later than the historical inception of Babylonian power as unfolded from the study of the cuneiform inscriptions. At that day the Shepherd Kings had not yet entered Egypt. It was nine hundred years before the appearance of the Hellenes in Thessaly; it was more than eleven centuries earlier than the siege of Troy. Since then, Babylon and Assyria and the later Egypt, the great empire of the Medes and Persians, the nations of Macedon and Rome and Byzantium have risen, and ruled, and passed away. Race has followed race and new languages have chased away the old in every land but one,

that between the Himalayas and the Yellow Sea. In that country there has been no change save by the normal development of native faculties and the progress of original tendencies acted upon by the unchanging agencies of soil and climate, and fixed by the utter absence of fusion or admixture with races of different mould.

If there had existed, from the beginning of time, no other people on the face of the earth, the character of the Chinese would scarcely have been different from what it is. They separated from the world in an infancy whose speech was in monosyllables, and which, as we shall see, had not yet learned the use of some of the crudest of the implements of human toil. They spread in scattered settlements that gradually broadened and touched and coalesced. They repelled the Tartar to the north; they drove the aborigines southward and westward from the irrigable lands. Slow, laborious and patient, obedient with a superstitious obedience to the elders whose age gave them experience and made them conservative, they invented for each difficulty only a remedy that met its sharpest detriment and rested content without thought or care for more. In arts, in letters, in customs, every advance from the very outset was self-evolved, sprang from some cause ingrained and inherent in the race itself and its conditions of existence; and each, in its time and place, instead of revolutionizing, intensified and perpetuated the character that gave it birth. It is not without utility that we may trace the development of this peculiar race and note the fixedness of the mental, moral and physical type, the fixedness of social and political institutions due to a strong but coarse racial individuality at the outset, and an environment that, supplying all physical needs, left that individuality to work out its tendencies without hindrance or modification.

Nothing affords more facile proof of the common origin of races, now remote from each other, than does the identity of terms applied to the necessaries of life, and the similarity of the rude implements by which the simple operations of industry are performed. The former has shown the primal unity of Sanscrit and Zend, and traced to its farthest source the

origin of the Aryan peoples; the latter shows that the arts of craftsmen had reached a certain excellence before the European parted company with the natives of India. But by neither of these clues can any connection be traced between China and other lands. The language, even in its simplest roots, has no analogue; and the implements of industry have characteristic forms that demonstrate their origin to be distinct. The anvil of the Chinese smith is not flat like the anvils of other countries, but convex on its face or working surface, and the bellows of a Chinese forge, instead of moving vertically, has a horizontal stroke. The paper of the Chinese is thin and weak, is printed on one side only, but doubled to present a folded edge at the rim of the leaf, and a printed surface on each side. The chain-pump of China has a square barrel, that of other lands is cylindric. Brass is made elsewhere by melting together copper and zinc in a crucible; in China by suspending thin sheets of copper, heated almost to melting, in the vapor of molten zinc. The German-silver of Europe is made by combining the materials in their metallic condition; its Chinese equivalent by mingling the ores of the metals and reducing them together to produce the alloy. Spangles are made, not by cutting or stamping from sheet metal, but by flattening wire first bent into annular form. Pewter vessels are not cast, but are shaped by hammering upon a block. The primitive mill used in many countries—in Normandy for crushing apples for cider, in South America for pulverizing ores, in our own country for powdering the scoria of assaying pots, and composed of a wheel travelling in a groove or channel, has, among western nations, its wheel running continuously in a circular track around a vertical axis; in China its wheel working to and fro in a semicircular track, and around a horizontal centre of movement. Chinese lanterns are not made of horn, like those used by the Romans, or of perforated metal as long since in our own country, or of glass, as is now universal, but are of varnished paper stretched on bamboo frames, sometimes of little cost for the multitude, sometimes of great intrinsic worth and blazoned with titles, for the mandarins. The domestic industry of other lands has

obtained the healthful acid of vinegar from the acetic fermentation of the sweet juices of fruits; the Chinese by placing in water the sea polypus found along the coasts. Fish culture, now a matter of government solicitude in our own and other countries, is old in China; but the Chinese fish culturist puts the spawn in an egg-shell and places it under a sitting fowl, and after due delay breaks the shell into water warmed by the sun. These are not trifles. They show that in the earliest period of her existence, China drew nothing from other lands. In what she required she originated all, she imitated nothing.

And even in the things that for ages have been common in other countries, we find that in unnumbered instances their parallelism with those of China is of but modern date; that they, too, at former periods have shown by their use in China and nowhere else that they were but further proofs of the self-sufficing and self-supplying character of the Chinese mind. It was this that discovered the polarity of the magnetic needle and applied it to use in the compass, and obviated its dip by the simple device of placing its weight below the point of suspension; and it was this, too, that first perceived and made allowance for the variation of the needle from the true pole. It was to this that was due the invention of printing and its perfection to the highest degree permitted by the language, for with the Chinese alphabet there is no advantage in interchangeable types. It was from this that arose the invention of paper in the first century of our era, the production of inks having a carbon base, as with the printer's-ink of to-day, and the manufacture of lamp-black from the burning of oils. It was this that devised the drilling of grain as distinguished from broadcast sowing, a method that saves in the annual seedtime of China as much as would feed the inhabitants of Great Britain and Ireland. The primitive Chinese mill for the hulling of rice is substantially the same as the modern mill for decorticating wheat; and another apparatus for the same purpose, a lever armed with a stone at its outer end and actuated at the other by arms radiating from the shaft of a water-wheel, differs in no essential respect from the principle of the trip-hammer.

What in our day is known as the Belgian system of canal propulsion, and now on trial on the Erie Canal, was derived from the Chinese method of crossing rivers. The plan by which life-boats are worked to and fro for the relief of stranded vessels is the same as that by which the ships of mandarins were drawn against the current of the Yellow River centuries ago. The paddle-wheel was used for purposes of propulsion in China long ages before it revolved in western waters. It was the structure of the Chinese junk that afforded the prototype of the water-tight bulkheads used in our modern steam-ships. Upon rafts or hurdles of bamboo the Chinese spread layers of earth which they cultivated like garden soil, and thus anticipated by ages the floating gardens of Mexico. In our own country a factory system of making cheese and butter was initiated about thirty years ago; the like was done by Chinese sugar-makers generations before the existence of our continent was known to the eastern world; and the same workers of the cane first used the waste bagasse for heating the evaporating pans. Within the past sixty years the division of labor has become the distinguishing feature of the industrial systems of Europe and America: the potteries of King-te-Chin have practised the same for many ages, the consecutive labor of fifty different workmen being necessary to the production of a piece of the finest ware. They terraced the slopes of the mountains with walls of stone for the growth of vegetables, as the shores of Lake Leman are terraced today for the cultivation of the vine. Mindful of the chemistry of the soil, they early learned to temper sandy lands with clay, and clay lands with sand; and they carefully gathered and applied all manner of fertilizers at a time when the wealth of the Roman plains was passing through the great *cloaca* to the Tiber and the sea. They were the first to unwind the cocoon of the silk-worm and weave fabrics from its threads. They were the originators of porcelain, and *Kao-lin*, the name for the clay of which it is made, has passed into the industrial nomenclature of Europe. They invented gunpowder, not only for fireworks and for explosive mines in war, but for fire-arms, for the embrasures of the Great Wall are fitted for

the reception of the swivels of wall-pieces; and more than six centuries before the Christian era their cannon bore the inscription: "I hurl death to the traitor and extermination to the rebel." They discovered, too, in remote times, that the best charcoal is made from willow, a fact recognized to this day by manufacturers of gunpowder in all parts of the world. They burned petroleum in lamps long before such use was dreamed of among the western peoples; they sunk salt-wells hundreds of feet through varying strata and, finding that inflammable vapors arose in large volumes, they led them to the furnaces for use as fuel in heating the furnaces. They rendered potable the muddy waters of their rivers by treatment with alum—a process employed in Europe with effect for removing clay and other earths from water intended for use in various branches of manufacture.

But these are far from all. They adopted the decimal system for measures of quantity and weight and value, centuries before French legislators recognized its utility or French scientists formulated its application to the traffic of Europe; and now, as in the days of the first coinage of copper, the *lee* or *cash*, a disk with a square hole in the centre to permit it to be placed on a string, is the tenth of a *fen*, and the *fen* is the tenth of a *chen*, and a *chen* the tenth of the value of an ounce of silver. Their units of volume and length were literally native to the soil, for the one is the cubic contents of a hundred of the grains of the *Kow-leang* or high millet, the *Holcus sorghum* of the botanists, and the latter the linear space occupied by a certain number of the same grains, which also afforded a standard of weight.

In minor industries the Chinese long ago saved the culm and dust of coal and mixed it with clay and soft earth from the marshes, to form an artificial fuel, an invention currently believed in other countries to be of recent years. They were the first to make spectacle glasses from sections cut from rock crystal. They made cloth from the bark of the nettle, a project revived in Germany as new within the past five years; and they applied to the extraction of color from a native plant the processes by which indigo is extracted from the *Indigofera*.

They hatched the eggs of fowls by artificial heat, the method by which ostriches are incubated on the ostrich plantations of South Africa. They found food in the roots and the seeds of the lily growing in reedy ponds, and purified the nauseous oil of the *Palma-Christi* until it became edible and sweet. They trained the sheep to carry burdens through the highest defiles of neighboring mountains, and taught the brown cormorant to fish in behalf of his owner in the dun canals.

Such were the manifestations of the Chinese intellect as applied to the useful arts. Such were the implements and methods by which the genius of China manifested itself in originating the industries by which her constantly increasing population has been sustained, and which through almost unnumbered ages have formed the basis of her power and the foundations of her home and foreign policy. But it is to be remarked, and the fact illustrates not only the nature of the people but the policy of the government, that every art, every implement or method related only to the furtherance of manual operations. Nowhere is there the slightest evidence of intent to encourage labor-saving machinery which, by dispensing with the labor of some, lessens the cost of the products of labor to all; but everywhere the ready devising and adoption of whatever furnished employment for human hands or opened new sources from which the individual could derive food and raiment by personal labor. Within these limits all was devised that was required for use in the agriculture or manufactures of the country. But the limit was early reached. Hence the lack through many ages past of industrial advancement which has given to the arts of China the almost stereotyped character manifest in her social and political institutions. Arts and industries thus restricted could only attain excellence through the highest development of mechanical skill; and their rewards could only be obtained through the cultivation of certain faculties and these not separately but together, which may be briefly enumerated as accuracy of perception, closeness of calculation, imitativeness in a rare degree, and unwearying patience. The conditions of existence, from the time of the building of the first mud cabins on the banks of

the great rivers, had developed these qualities with an intensity not equalled elsewhere in the world; and thus a symmetry, perfect of its kind, in the nature of the people enabled them to excel to the utmost within the narrow boundaries assigned by policy, by usage and tradition. This excellence and others akin to it, which constitute an indefeasible merit so far as concerns the Chinese in their own country, is a standing menace as an element in the relations of China with the rest of the world.

In any employment where the qualities referred to are essential to success the Chinaman, their inheritor through a hundred generations, is to be esteemed for his skill and feared for his rivalry. The Chinese waterman will hold the sheet of his sail with one hand and steer the craft with the other, while with his foot he feathers an oar to aid the work of propulsion. The Chinese farmer, in the working of tilled fields, fits the ground for the seed by causing one laborer to dig the stubble with a hoe, another to shake off the earth and lay the haulm in little bundles, while a third stirs the untouched soil between; this manual labor rendering the ground suitable to be further broken by a plow drawn by men and women yoked thereto, or, if the ground be tough from the presence of clay, by a single buffalo. The Chinese colorist uses the pigments common in Europe, but secures a higher brilliancy by longer and more careful levigation in their production. What the Chinaman has once seen done he can do himself, with refinements of execution due to his close perceptions and habits of accurate work. Once taught, he works as an automaton, but as an automaton endowed with consciousness. I shall never forget my first sight, years ago in San Francisco, of a Chinese artisan at his work. It was only the making of cigars, but the tawny fingers moved as if directed by the regular stroke of steam, and with an accuracy that no mechanism could have surpassed. Making no haste and no pause, impassive to the curious gaze of the onlooker, his horizon apparently bounded by the space of the bench before him, stunted in figure, and with the dull and animalized visage peculiar to his race, he stood, a being trained to manual dexterity by forty centuries

of labor, but devoid of the wants, the aspirations, the high humanity with all its attendant needs which forty centuries of intellectual, emotional, and physical advancement have given to the races with which time and circumstance had brought him face to face.

The conditions of soil, climate, and geographical position which have moulded the industries of China, have furnished the basis of her governmental policy. Extending over many degrees of latitude, the climate permitted the growth of widely varying products. The general contour of the surface being low and level, watered by great streams, and favorable to the construction of canals, the productions of one part of the country supplied the needs of others, and an internal commerce served at once to provide occupation and livelihood to a large proportion of the people, and to supply all actual necessities of the whole. Many articles, both agricultural and manufactured, are produced in their greatest excellence in but few localities, from which they are, and for many centuries have been, distributed to other parts of the country. For instance, from its northern portions have been drawn its supplies of salt and in a less degree of coal, iron, and porphyry, copper and gold,—musk from the mountains of Kansuh, and strange drugs from the plain of Shantung. From Kansuh, also tobacco, milder than ours, but none the less esteemed. From the eastern provinces, the most fertile, healthful, and productive of the whole kingdom, and containing nearly half its population, are derived the woven silks of Soochoo, and the vividly colored crapes and fine embroideries of its rhyming neighbor, Hoochoo. Witness, also, the raw silks of Kangsoo, the satins of Nankin, and the fermented liquors of Shaouking; the green teas, inks and varnish of Gahnwuy, the hemp and grass-cloth of Keangsi,—the latter made from the China grass or ramie which has baffled the inventors of Europe and America in attempts to successfully apply machinery to the separation of its fibres: the fine porcelain of Kinkinching, and the hams of delicate curing from Kimwha; the rhubarb and musk, the paper and lead of Hunan. From the western regions, nearer the sources of the two great rivers, and bordered by mountain fastnesses

occupied by tribes yet wild and unsubdued, are brought herbs and roots of medicinal fame; copper, gold, and brass and silver, iron also, and cinnabar from which the celebrated vermilion is made. From the south the black teas, the iron, alum, and tobacco, the camphor, sugar and indigo of Fokeen; the sugar, cassia and betel-nuts of Kwangtung, and the varied and unrivalled manufactures of Canton. Such are a few of the sources of traffic which unite the whole of China in a network of business relations that, by their constant attrition, excite the national intellect to the highest activity in the practical affairs of life.

Because of its diversified productions, each more plentiful in a few favored districts, each portion of the country has found itself more or less dependent upon all the others, and each has found in the other its sources of profitable labor and remunerative trade. And although some little traffic naturally arose between China and the landward regions adjoining, and some with adjacent coasts, she found herself practically independent of foreign commerce, free from all need of it, at a period so remote that no record exists of its beginning. In the watered lowlands or irrigable regions abundant crops of rice, in the northern provinces of millet, gave sustenance and afforded occupation to the great mass of the people; while the other arable lands cultivated by manual labor, or only by the use of the buffalo as an animal of draft, fertilized and tilled like gardens, gave variety to the agricultural productions of the country, and yielded for a given area more than could otherwise by any possibility be obtained. For the Chinese learned early that the surface of soil required to support a farm animal is three times that required for the sustenance of a human being. The localization of special products and special industries, and the interchange of commodities, afforded still other outlets for industrial energy and provided the means of supplying the wants of each from the resources of all. It was not without wisdom, therefore, that the rulers of China accepted the belief that a system of national isolation which arose originally from geographical position, and which had worked well for unnumbered generations, should not be given

up; that a foreign commerce of which she had little need should be discouraged as a disturbing element having, to her, stronger possibilities of mischief than of good.

We may now pass to a more complex phase of the inquiry; that in which racial proclivities are added to physical conditions as factors in the development of Chinese character, and of the elements, good or bad, of Chinese power. And in this we should trace the induration of native endowments by the reiterated effect, through four thousand years, of moral and intellectual laws, as we have sought to trace the results of physical conditions upon those of their institutions more directly acted upon by the moulding action of subjective influences. The process is perhaps more difficult in the one case than in the other, because we must judge of character by its manifestations, while the facts of the physical world lie upon the surface. But it is not necessarily more obscure in its inductions or uncertain in its results. In the pursuit of this branch of our study we may learn that current Caucasian public opinion has underrated the strength and astuteness of the Chinese intellect, and has overrated any other claim which China may have to the favorable consideration of Caucasian communities. We may find, if I mistake not, that the Chinese character is strong not only in its positive but in its negative elements; that the very absence of those finer and higher qualities, which are with us believed to be essential to enlightened communities, has given, and will continue to give, a preponderating power to the Chinese in all that relates to merely material success: in brief, that their civilization bears the same relation to that of Europe and America that the proverbial iron pot bore to the flask of porcelain as the two in contact floated down the stream.

We have already seen that the industries of China were self-evolved; sprang from no foreign source, and were unaffected by any external agency. This carries with it the conviction that the intellectual type must have been developed in like manner, for the same conditions which exclude the idea of any subjective force in the formation of industries necessarily exclude any corresponding idea as to the formation, development,

or progress of the racial mind. That this is the case is also shown by the fact that the governmental, social, and religious institutions are simply an extension of those which control the family in the earliest stages of society. This can be traced in the constitution of the Chinese Empire as clearly and certainly as the banyan tree, spreading its connected trunks over many acres, can be traced to the solitary stem from which it originally sprang. The Emperor stands as *paterfamilias* to all his people; the governors of the eighteen provinces are in the same relation to those below them, and so on, through all the grades of authority, down to the family over which the father exercises absolute control. The social duties have for their essential foundation, first, reverence for the head of the family, and second, reverence for the paternal authority embodied in the officers of the law. Religion, although tolerated in almost all its forms by the State, is, with the Chinese, little else than the worship of ancestors, notwithstanding that their mythology is full of gods,—some of them mortals who died within historic times, and others merely the evils which they dread, for to them even the small-pox is an object of adoration. In the dwellings of the great mandarins are sanctuaries sacred to the burning of perfumes, the presentation of offerings, and the making of prostrations to the memories of their forefathers, and for communication with the spirits of the dead. The poorest laborer, crowded with a score of others in a single room of a mud-built dwelling, has, in a corner of his lodgement, a shelf sacred to the same purpose. Sacrilege itself is defined by the Book of Rites as disrespect to one's progenitors. This, strange and puerile as it may seem to us, becomes almost grand in view of its depth and intensity. It shows how far, after all, the emotional nature of man is superior to external surroundings. For this worship, which dominates China today as it has done for thousands of years, is but the survival, developed and intensified, of the awe with which the earliest Scythians, impressed with the fearful mystery of death, heard the voices of the departed in the storms of the mountain valleys or the rustle of the wind through the grass of the starlit steppes of

the North. Necessarily associated with this reverence of their forefathers is a like reverence for the forms, usages, and customs of antiquity. Hence the permanence of their laws, their stability as a people, notwithstanding the turmoil of many terrible revolutions. These usages and customs have sprung from the same source as the beliefs of the people and are the outgrowth of the idea of the family. For although the inhabitants of northern China may readily be distinguished by speech and appearance from those of the south, yet all read the same language, and all, in essential things, obey the same rules and follow the same principles of life and conduct, and this, not only as individuals, but as a colossal community.

Carrying one of the most sacred laws of the family into the organization of the State, the members of any one of the twelve tribes, each having a common name, must marry outside of his tribe, and with one whose name is different from his own. As a result of this the relationship of blood extends through all parts of the Central Kingdom; and each tribe, though distinct in itself, is bound by innumerable ties with all the others. The idea of the family implies mutual coöperation and helpfulness, and thus, in theory and practice, that which is the controlling motive of the civil organization becomes also the leading method by which the ordinary affairs of life are carried on. Nowhere else in the world is the principle of coöperation so well understood, and nowhere else is it carried into effect with so much utility. No man stands unsupported and alone among the Chinese. Throughout the whole country there are loan societies by which the burdens of high interest are lessened. Every trade, profession and business has its associations; even the robbers and beggars form themselves into guilds; and in localities where the governmental authority has for the time proved too weak to maintain order, voluntary combinations of the inhabitants have supplied its place.

Thus in the nation, as in the families from which it sprang and which formed its archetype, the most absolute form of a centralized government is made consistent with the utmost freedom of individual action. The personal volition of the Chinese is subject only to the rites, observances, and

convictions which are as much a portion of the people as is heart or brain, and as necessary to their normal existence as the air they breathe or the soil they cultivate. For their convictions are so strong—their rites and observances so fixed and permanent, that no conquering dynasty has ever changed them; so strong and so permanent indeed, that every ruler has respected and adopted them. When, centuries ago, Genghiz Khan, the Tartar chieftain, subdued the land, he held it for himself and his descendants only by conforming in every possible way to its established customs; and when one of his line attempted to disregard these, the rule of the Tartar gave way to that of a descendant of the native kings. In modern times the conquering Mongols, who for two hundred and forty years have been the political rulers of China, have held their place only by becoming the embodiment of Chinese traditions. The paternal idea is indeed carried consistently to the utmost limit, in providing for the remote as well as for the immediate welfare of the people. It is this that from the most ancient times has instituted the multiplicity of schools, and has opened the highest ranks, below that of the emperor, to those excelling in scholarly attainments without regard to their original condition of life. It is rare to find in China an individual who cannot read and write. The precepts of their wise men are painted upon the fronts of the buildings, so that, literally, he who runs may read; and an official gazette, probably the oldest newspaper in the world, carries the intelligence of the work of the Government to the remotest parts of the Empire.

Nor must it be imagined that this organization, so simple in its intricacy, and so strong in its apparent weakness, is a thing that has culminated and is now passing to decay. The life of China has been long, and her growth proportionally slow. But it needs but a brief recurrence to her history to show that there has been constant progress toward an end not yet reached, a development that is not yet completed. We have seen that it was twenty-two centuries before the Christian era when the Chinese mind first formulated its thoughts in written speech, yet it required seventeen hundred years before the outgrowth of that intellect took intelligible form in the

writings of Confucius and Lao-Tze. It was one thousand years later still before the system of the great exponent of philosophy and of the laws was regularly organized. And it was two hundred years after this before the Government itself adopted a system of promoting to the utmost those arts and industries upon which the prosperity of the people more and more depended as the population increased, and the conditions of life became more complex. For it was in the ninth century of our era, according to an Arabian chronicler, that the Chinese were, "of all the creatures of God, those who have the most skill in the hand, in all that concerns the arts of design and fabrication, and for every kind of work." The same writer says "that when a man has made anything that probably no one else could be able to, he carries it to the governor demanding a recompense for the progress he has made in the art." The test of its excellence was, that it should be kept for a year subject to the criticism of all who came, and if no real fault were found, the maker was promoted by being taken into the service of the Government. Quaint tales are told in Chinese history of the working of this plan, and illustrating, not only the excellence to which the arts were brought by this method, but the closeness of observation and severity of judgment then, as now, one of the salient characteristics of the race. It is said that an artist represented a sparrow, perched on an ear of standing grain, with such consummate skill that none doubted that the bird was alive; but it so happened that the ear was shown as standing straight, whereas if the bird were perched upon it the stem would be bent, and so the artist lost his reward. In the arts, as in letters and policy, the same slow gradation of successive progressive steps is seen. It certainly required many hundred years to construct the immense system of canals which, even in the beginning of our era, are known to have aided agriculture and facilitated the inland commerce of China. But it was not until the year A. D. 605, that the Emperor Yangti enlarged the entire system and connected the two great rivers. In the early ages of China the records were written on wooden sticks; the art had advanced in the time of Confucius to the painting

of the characters on paper. Yet it was only after fifteen hundred years from this that wood-engraving and stereotyping came into use. It was not until the thirteenth century that the distillation of grain for the production of alcohol was discovered by the Chinese; and it is only since the accession of the Manchoo dynasty that foreign grapes were brought into the country, and there acclimated.

Although, as we have seen, progress has been slow in China it has been sure; and every forward movement, whether slight or great, has added to the resources and the permanent prosperity of the people. The relations of China with other nations during the past century have forced upon her a policy that, when carefully examined, will show a more rapid and more aggressive advancement than any other portion of her history; a policy which, as we shall have occasion to consider, cannot, if continued, fail to have the most important bearing upon the future of our own country and, indeed, upon the future of the civilization of our race.

The retrospect of the past of China and her people shows absolute fixedness and absolute permanence in the direction of the Chinese character, but nothing that indicates that this character is stationary. Its scope is limited in certain ways, but in the line of the course which it has followed for more than four thousand years its path lies open, broad and clear, as it did in the infancy of recorded time. Yet, with all that we have thus far seen, a fair conception of the favorable side of the Chinese character is not yet fully given. Reference has already been made to their close and accurate powers of observation as displayed nearly ten centuries ago, and which form no inconsiderable element of mental strength and intellectual success. A distinguished traveller, in the early part of the present century, attributed to this the numerous discoveries of the Chinese in agriculture, by which they utilized plants of no worth in other parts of the world. And the thoroughness and completeness of Chinese ethics and practice, as applied to the paternal guidance of the population, is demonstrated by the fact that this faculty of observation has been encouraged by Imperial teaching and example. It is written in the Chinese books

that the Emperor Kiang-hi saw in the first day of the sixth moon a field where rice was sown to be harvested in the ninth. But amid all the myriad ears there was one already ripe. He gathered it; planted it through thirty successive seasons, and from it came the *ya-mi* or imperial rice, the only kind that can ripen north of the Great Wall, or that will yield two harvests a year in the south. This new cereal added to the food resources of the multitudes of Mantchuria, and may yet find its place among the grains grown in our own country, if, indeed, it has not already done so.

This faculty of observing the importance of apparently trivial things lay literally at the foundation of one of the greatest works of China. The Tartar horsemen from their infancy were seen to have legs bandied to the curvature of the sides of the saddle, and therefore weak in marching or fighting on foot. Hence the Great Wall, a thousand miles in length, was built, and the Tartars were shut out in the same manner and with the same childlike forecast as the wild beasts that shared with them the wide pastoral wildernesses of the North. The accuracy of perception and the close study of what passes under their observation form the basis of the strong imitative power of the Chinese—the faculty that renders them such dangerous competitors in the practice of every art affording scope for manual dexterity. The same faculty has also made them proficient in arts which they employ alike in the ordinary relations of life and in the highest work of diplomacy. They have been well said to be a nation of actors. The Chinaman is as subtle and facile in whatever requires intellectual work as he is in the performance of manual labor. Add to these faculties that of a suavity and politeness which, though ordinarily formal in the extreme, is nevertheless refined and delicate. In nothing does this appear more clearly than in Chinese diplomatic correspondence with the representatives of other countries. The communications from Caucasian powers have often been singularly rude and uncourteous when compared with the polished and considerate phraseology employed by the Chinese dignitaries. No civilization can be wholly deprecated which has fostered and developed the

characteristics which we have thus far seen to be inherent in the people of China,—characteristics that, almost without exception, are found to be universal with her people; with the ignorant, as with the educated, with the laborer as with the mandarin. And these qualities, always formidable in contests of diplomacy between nations as between individuals, become doubly so when through long growth and persistence they have been intensified, and made unchangeable as elements of national character.

However objectionable from our stand-point the Chinese type may be, it is of marvellous symmetry when considered by itself. Its more ignoble parts are not in any wise inconsistent with those which compel respect: on the contrary, its virtues give vigor to its vices, and the two together, combined in closest union, afford a racial individuality that for aggressive purposes is of more than giant strength.

The slow and deliberate savagery of the Chinese has been remarked from the earliest times in which they came in contact with the western peoples, and is shown in every relation of personal life and national policy. In the ninth century the foreign trade of China temporally acquired considerable magnitude, and led to the settlement of many foreigners in her seaport cities. One hundred and twenty thousand of these were massacred at one time in the capital city of Tche-Kiang. These were Christians, Hebrews, Mohammedans and Magians, whose numbers were ascertained from tax-lists; of the number of natives who were murdered on the same occasion, no record exists. There is no reason to suppose that this was the first instance of the promiscuous slaughter of a large population. Nor from that time to this has there been a single instance in which bloodshed has not been carried to the utmost, wherever territory has been conquered by arms, or cities have been subjugated by siege. Less than seven years ago, the city of Schu-chang, in the province of Kansuh, was held by rebels, and was invested by the Imperial forces. The fortifications were breached by the explosion of mines and then carried by storm. After the surrender the chiefs were hacked in pieces. Nearly sixteen hundred men were laid

on the ground in rows and then beheaded. In the words of the Pekin *Gazette:* "The same night the same corps entered the city, and set it on fire; bullets and spears did their work till the whole local Mahometan population, numbering more than five thousand and four hundred, save about nine hundred females, children and old folk, were given to the flames, and peace reigned in Schu-chang." The official account adds, with the greatest equanimity, that "the maiden and the wife had far from escaped violation," and closes with the statement that the enemies of the Emperor "had been executed as their muster-roll was called, like sheep or pigs in their pens, not one escaping." Such is now, and such has been from the earliest times, the Chinese idea of conducting war.

The ingrained ferocity of the people, however, both in the present and the past, is even better illustrated by their laws and by their social customs, which, as we have seen, have been the slow and determinate outgrowth of the nature of the people through unnumbered ages.

The intent of the Chinese law is to strike the innocent as well as the guilty, and to punish the offender by inflicting suffering, not only upon him, but on all connected with him. A person convicted of high treason is condemned to a slow and painful death, a death preceded by torture many times repeated; for executioners are skilful in reviving the victim for renewed torments. Not only the criminal, but his father, grandfather, sons, grandsons, paternal uncles and their sons, are condemned to death, while all the male relations under sixteen are subjected to a treatment too gross to be mentioned here, and given to the great mandarins for slaves. The female relatives of all ages are consigned to slavery, and all the property is confiscated. Notwithstanding these terrible penalties, no trial, in the proper sense of the term, is afforded the culprit; his case is heard without a jury before a mandarin, who is at liberty to hear or reject as much of the testimony as he pleases; and although a rehearing may be had at the instance of relatives, yet no counsel can be heard, and even the argument of the relations is a matter of favor and not of right. The debtors of the Emperor, if shown or claimed to be guilty of fraud, are strangled,

but if the non-payment be due merely to misfortune, the Imperial creditor confiscates their property, and sells their wives and children to slavery. A slave who strikes his master is beheaded; if he strike with intent to kill, he suffers death by torture; if he accidentally kill his master, he is imprisoned for a certain time, and then strangled; if he accidentally wound him, he is banished to the distance of three thousand *le*, but not until he has received one hundred blows. If a slave is impudent to his master, he is strangled; if to any of the relatives of his master in the first degree, he is banished for two years and receives fifty strokes with the bamboo. The nature of this common method of punishment in China should be understood. The victim is suspended from a beam by means of a rope tied to his wrists and feet, leaving his body bent in the form of a bow; his flesh is torn to tatters by executioners standing beneath. It is the common custom, after the prisoner has fainted, to restore his strength by remedies, in order to permit a repetition of the operation. The extent to which the law, in other words, the bamboo, is brought to bear in all the relations of life, is shown by the fact that when a trader deliberately plans to undersell his neighbors so that they cannot dispose of their goods, he is punished with forty strokes. Chinese marriages are not arranged by the parties directly interested, but by their relatives. If one of the family recalcitrates, after a betrothal has been agreed upon, the head thereof receives fifty strokes with the bamboo, and under this legal process the wedding ceremony takes place perforce.

But the intent and practice of Chinese legislation do not stop with even this, for wherever a person observes a line of conduct that may be alleged as offending propriety, even if there be no special infraction of any established enactment, he is liable to receive forty to eighty blows. These peculiarities of Chinese jurisprudence readily account for the fact that all the mandarins speedily grow rich. Where torture is the mildest form of punishment, a due gradation must render the death penalty frequent for faults considered to be of a graver kind. About a hundred years ago a subject ventured the advice that the Emperor declare his successor, for which heinous offence

he was put to death. The Ming dynasty declared that paper money should be considered the same as copper coin, and that whoever demurred to this should be beheaded. Up to the beginning of the present century, death was the punishment of natives who taught Europeans the Chinese language, or who revealed to foreigners the methods of Chinese manufacture. During the inception of the opium trade, the penalty of death was put into effect to deter the native population from purchasing or dealing in the article. Before the power of the western nations had made itself so effectually felt in China, foreigners penetrating to the interior were beaten, starved, and finally beheaded for their temerity.

A people living under such institutions must necessarily be given over to all the vices that form the common heritage of slaves, at the same time that their peculiar structure of society secures to them many of the strengthening attributes of freedom. Out of the condition of continual subjection to physical force, and the fear of bodily and financial harm, have been developed two notable faculties in an inordinate degree: one, that of deceit and trickery, by which punishment may be avoided and personal benefit obtained; the other that of avarice, the desire for the accumulation of wealth and the enjoyment of physical ease. For it is a law of nature that people appreciate and value most that which they are in the most danger of losing. Out of the same conditions, also, has sprung a disregard of human life which permeates all classes of society. When, thirty years ago, a new emperor ascended the throne, he put to death the counsellors of his father, who, under the stress of necessity, had added somewhat to the privileges of the Europeans. Among the lower orders, the same merciless spirit is shown in the common practice of infanticide; and incidentally and in a less degree, by the almost uniform neglect of the boatmen on the Chinese water-ways to rescue those whom they may see drowning in their immediate neighborhood. A French traveller recalls an instance in which a number of prisoners who were being carried through the country, had their hands spiked to the cart in default of ropes with which to tie them; and it has been recorded as frequently

occurring, that gamblers, after having lost even their clothing, have, in the northern provinces, been deliberately allowed in the depth of Winter to freeze to death. The propensity to gaming, it may be remarked, exists among the Chinese to an extent seen nowhere else in the world. When his last coin or his last rag is gone, the Chinaman has been known to gamble for his fingers—each player, as he loses, suffering the finger to be chopped from his hand. It would be almost impossible to comprehend a character so frantic or so debased, were it not that the statements are made on authority that can hardly be doubted.

As there is seldom a wide discrepancy between the social circumstances of a people and the laws under which they live, the social condition of the Chinese might be inferred from what has been already said. It is best proven, however, by their treatment of women. There is every reason to suppose that jealousy was the original motive that led to the mutilation of the feet of females, common from the remotest times among all except the very lowest classes of the population; and the custom may also serve as an example of the brutal directness with which the Chinese pursue any object they may have in view. The women are treated as slaves; are presumed to have no souls; and are in many cases subjects of established and regular traffic. A member of the British Legislative Council at Hong Kong said, nearly fifty years ago, "the traffic in females is too disgusting to detail—the facts are revolting to humanity." Their place in the household is one of abject drudgery; and, as in infancy they are believed to be hardly worth the trouble of maintenance, so in youth they are not thought to be worth the expense of education, save in the arts of embroidery and the like; and when fully grown, are measured only by their value as instruments of labor or pleasure. It is said that the experience of the Chinese women, abject and degraded as it is, has led many of them to a faith, repudiated by their masters, in a hereafter where sorrow does not exist—a faith springing from suffering; the strange fruit of earthly despair.

It may be very easily conceived that in such a society

religion can hardly exist. That the Chinese worship the spirits of their ancestors we have already seen; and as this is the oldest faith that they have ever known, so also it is the only one in which the belief can be said to be sincere. The creed of Confucius held by the educated classes is simply a formula of materialism in which morality is taught because of its beneficent results on earth, but in which there is no gleam or glimmer of the higher truths which lead humanity to loftier levels of thought or emotion, or which finds in a future life the rewards or punishments of good or evil. Mahometanism in China is even less in morals and ethics than it is in Turkey or in the Barbary States; and Buddhism there retains no spark of the lambent light which shone on India in the earlier days of the cult of Guatama. The Chinese character—intellectual, moral, or emotional—appears to have in it nothing of the religious element, as the term is understood among other races. It has successfully resisted or debased creed after creed that has found either a temporary or permanent place within its borders. The soiled streams of Mahometan and Buddhistic belief found deeper soilure in the degraded ideas of the Chinese, while the purer faith taught by the Nestorians a thousand years ago was extinguished by fire and sword; and the efforts of the Roman missionaries, fervent, earnest and continued through centuries, have grasped only a spotted handful here and there from the sodden harvests of Chinese belief. Whatever may be claimed as to the successes of the missionaries of more recent times, or of other churches, we shall see further on that they afford little encouragement to Christian hope; and if in the future they shall bourgeon into promise of greater fruitfulness, it must be under conditions widely different from those that now exist.

Having considered those characteristics which belong to the Chinese as a practically homogeneous people, and which are common to all grades and classes, we may well ask by what standard of intellect and attainment this colossal population is managed and controlled. In other words, our study now leads us to an examination of the status for governmental purposes of the governing classes. These include, of course, the

Emperor, and his subordinates, the mandarins. Thirty years ago, these latter were stated as numbering somewhat less than fourteen thousand scattered through the country, together with two thousand four hundred at the court. These belong to the civil branch of the Government: the military mandarins numbered eighteen thousand five hundred. The former, however, rank the highest in point of popular respect and administrative power, and with them mainly lies the control of the vast Empire. They are, and have been, during at least three thousand years, drawn from all ranks of the people; their promotion through the several grades being dependent upon their proficiency in literary studies and their success in passing literary examinations. As these studies are those that have been accepted and formulated through many centuries, the officers of the Empire are necessarily imbued with the popular reverence for antiquity, and are fixed and riveted to established usages. As the examinations are competitive, it follows that the strongest intellects are those which rise the most readily and rise the highest. As craft and subtlety have no less scope in this than in any other department of effort, it results that the keenest minds come soonest into power and longest maintain their place on the treacherous sands of official responsibility. As politeness, not less than the other characteristics we have mentioned, is always an element of success, those who combine urbanity with the stronger intellectual traits are first to receive the management of questions of State requiring high administrative skill.

Reasoning from such data, we may infer with certainty that both the home and foreign policy of China is founded on far-sighted ideas of national welfare, and is carried into effect with no inferior degree of executive talent and experience; but this conclusion need not rest on inference alone. It is demonstrated by what is known of the civil policy of China during many centuries past, and foreign ambassadors have not been slow to concede the qualities of consummate statesmanship to the high officials with whom they have been brought in contact. These qualities are displayed in the strict ceremonial by which the honors of office are held before the eyes of the populace, in order that authority may receive its full meed of the respect

which tends to insure obedience to law; each grade among the mandarins being entitled to special observances of regard from all below, and the Emperor being held as the incarnation of all that is to be reverenced by men. They are shown also by the extent to which the people are regularly informed of all that is believed necessary for them to know, and yet systematically misled in whatever becomes the interest, for the time being, of the Government to withhold, as was well illustrated after the victories of the English, when the Chinese throughout the Empire were made to believe that the invaders, instead of being victorious, had paid tribute for permission to retire from Canton. They are illustrated in a stronger degree in the mingled force and acuteness with which the outlying dependencies are held in allegiance to the Central Kingdom, a leading example of which exists in the political subjugation of Thibet, which is ruled through a Grand Lama, whose appointment by sinuous methods has long been controlled by the Emperor. The same craft and astuteness were also displayed in the influence brought to bear upon Nepaul as against the interests of Great Britain, and with the manifest intent of maintaining an independent State as a barrier between British India and the western confines of the Empire. The statesmanship of the Chinese rulers is further shown in their systematic knowledge of the condition of the outside nations, and the manner in which the Imperial policy has been modified according to the necessities indicated by external circumstances.

A few passing references to historic events will illustrate this. A thousand years before our era, foreign embassies passed from India to China, and from that time to the present there has been no exigency requiring the exercise of astute foreign diplomacy that has failed to call it forth. Wherever interest, whether of trade or of policy, has made it requisite that the representatives of China should pass to foreign governments, they have done so. And what is now deemed a step forward on her part in sending envoys to the United States and the western powers is but a recurrence to what she has done, on occasion, during many centuries. In the year 141 B. C., the Emperor Woo-te sent embassies to

encourage foreign trade, and twenty years later his successor sent a plenipotentiary, with a retinue of one hundred persons, to visit the regions of the West; and only twenty years later still, the Chinese Emperor received tribute-bearing embassies from Japan. Two centuries and a-half after this a similar tribute came from the King of India; and after this in rapid succession were embassies from Rome and India; and so onward, although at comparatively long intervals, down to the present time, ambassadors have been sent and received by the Chinese Government. Where Chinese interests have required it, her embassies have gone forth with pomp to distant nations, and, in like manner, when she had no purpose to serve, those of other countries have been met with the same pomp harnessed in the guise of contempt. But whatever her course, there has seldom been an instance in which, from her stand-point, her methods have not been dictated by a far-sighted and enlightened regard for the welfare of her people.

We have already seen that more than two thousand years ago she encouraged trade with nations less powerful than herself, and that in the ninth century her ports were open to the commerce of other lands. This was continued down through the sixteenth and seventeenth centuries, and we have no record of systematic opposition to foreign commerce so long as the nations from which it came were comparatively weak. Two centuries ago the continent of America was a wilderness, and Europe was composed of small, despotic, and far from prosperous States; but in proportion as these, which form the world external to China, grew great and prosperous, in proportion as their military power and commercial enterprise increased, just in this same ratio did China close her seaboard to foreign access. It was not for nothing that the Chinese rulers foresaw that the rapid strides of Caucasian civilization would render them dangerous in the same degree that they were permitted to obtain a foothold on Chinese soil.

Nor was it alone the material advancement of the western nations that bore out this policy and justified this principle of national action. The spread of liberty which has successively

changed and modified every government of Europe, saving those of Russia and Turkey, would have been inimical to the permanence of the Chinese political hierarchy; and it is not without interest and instruction that we learn that it was a knowledge of the French revolution that, in the latter part of the last century, caused the authorities of China to restrict the privileges of foreign traffic, to attempt to exclude foreigners from Canton, and to commit other works of *quasi* hostility which were destined ultimately to end in war.

Nor is the statesmanship of the Chinese displayed in a less degree in their home policy. Every Chinese male is registered, and he can depart to no corner of the earth but his place and locality are known, and the idea of fealty to his native land kept before him as a governing principle. He belongs to his country during life, and his country indicates his burial place when life has departed. The system of espionage extends even to business relations, and its thoroughness and accuracy are sometimes surprisingly displayed. When, in 1839, the opium was delivered up by the British at the Bogue forts, the Chinese commissioner, Lin, was aware, before any account had been rendered, of the exact number of chests of the drug on board the several vessels in the harbor. The paternal character of the government, as well as the rugged statesmanship of the Chinese, is further illustrated by the fact that this opium, upwards of twenty thousand chests, and having an actual value of six millions of dollars, was totally destroyed. The ferocity with which their laws are executed, to which allusion has already been made, is also further illustrated by the fact that a miserable creature who attempted to carry off some small pieces from the general destruction, was, on detection, immediately put to death.

Such is the Chinese nationality; such are its people; and such its rulers. It only remains for the completion of our analysis of this people, to consider their purely physical condition, as we have already considered their industrial, political and moral nature.

The Chinese are children of the temperate zone, and have developed under the influence of a climate sufficiently cold

and variable to insure considerable strength together with great endurance and elasticity to the physical frame, and yet warm enough to yield in abundance the staple food of more tropical lands. Rice, in the larger part of the kingdom, has been from time immemorial the principle sustenance of the people; and the fact that they have not deteriorated to a greater extent under the influence of a crowded population and, with many classes, of a comparative insufficiency of food, is doubtless because this grain contains a larger proportion of phosphates than any other, and thus renders possible the full development of brain and bone even when ordinary nutrition is diminished. Physiologically considered, the organization of the Chinese is coarse, as is indicated, for example, by the hair ordinarily so thick and strong that they, by comparison, liken that of Europeans to soft and downy fur. This coarseness of physical fibre has, however, for them, one great advantage, for, as is the case with animals, they recover from all kinds of accidents, wounds and bruises with much greater rapidity and, as one writer has stated, "with fewer symptoms of any kind of danger," than is the case with Caucasians. As concerns ability for labor, they may be considered as possessed of great endurance rather than of great bodily strength. It was calculated that, of those employed in the construction of the Pacific Railway, it required five Chinese laborers to do the work of four of those of our own country; and I was informed in Nevada that while they were admirably fitted for lighter work, they were unable to perform the heavy labor in the mines. Yet the number of occupations in which their strength is inadequate to the greatest performance possible with laboring men is comparatively small. It should be kept in mind that, both in civil and military pursuits, the value of physical strength, pure and simple, has been constantly diminishing for more than two hundred years. What gunpowder and improvements in fire-arms have done to degrade the value of physical prowess in war, improvements in implements and machinery have done to debase the value of physical strength in arts and industries.

The Chinese marry young, for the reason that the male

children become at an early age a source of profit to their parents, and the marriages are usually prolific. Such being the reason—instead of early maturity, as in tropical or semi-tropical climates—there is not that premature old age among them which one would otherwise expect; for although the proportion who reach seventy years is less than in Europe or America, probably the number that are capable of severe labor at the age of sixty is equal to that of any other country. In the eastern provinces especially, the largest and most populous of the Empire, containing nearly two hundred millions of inhabitants, the people are hale and hearty, and have well been characterized by a close observer as "a great and healthy mass of human beings, athletic and industrious, and capable of the most enormous and unwearied industry." That life in China has reached a certain balance, an equilibrium between the influences which sustain and those which destroy, is manifest when we consider that by far the larger portion of this immense population live in the depths of indigence, and under conditions of life that, if endured by the people of other civilized countries, would quickly reduce them to mental and physical inanition.

Some of the causes of this we have already considered, but there is still another not less important. Owing to the low ebb of medical knowledge among the Chinese and the hardships incident to the lives of the masses, the weaker among the children die early, and only the stronger survive to perpetuate the race. This, continued through a hundred and fifty generations, has produced the physical type of the people; a type in which a maximum of mental activity and muscular endurance is derived from a minimum of comfort and nutrition. The fact that the extent of the Chinese population has only been limited by the means of subsistence, has produced those conditions of life and society which provide to the Chinese the strongest motives for leaving their own country, when the barriers of emigration are thrown down, and at the same time render them most dangerous competitors, wherever they may find their way. In their own country their condition is manifested by the crowding of their dwellings; by low rates of wages; by a small scale of business when they rise above the status of mere laborers; and

by the narrowest profits on every ordinary business transaction. These habits, acquired by necessity and use, are carried with them wherever they go, and as a result they are able to undermine laborers who, from physical constitution and training, are unable to live upon the same minute proportion of the comforts or necessaries of life.

The houses of China vary in construction in different portions of the country. In some parts they are of brick; in others, built of mud laid up the same as concrete walls are sometimes made with us; in others the sides are composed mainly of matting coated with mud, while in one large district the habitations are dug in the earth and form a system of caves or subterranean dwellings. Even in the large cities a family of ten persons can live for about four hundred dollars a year including clothing and food, and with the unusual accommodation of a whole dwelling to themselves. The expense of living to a laborer is stated at from two to two and a-half dollars a month, which includes food, clothes and rent. Away from the cities the expense is reduced fifty per cent. In some cases from fifty to sixty people inhabit a single dwelling, which reduces the expense to each still further. The Chinese emigrants at Batavia, the Dutch capital of Java, showed in each house ten men fit to bear arms.

Under such conditions comfort, health and morals must be reduced to the lowest degree. This is illustrated by the fact that in the north of China the beds are made larger or smaller in proportion to the family, are constructed of brick, and are warmed by small stoves. The usual size of Chinese houses, except among the limited wealthy classes, is thirty feet long, ten wide, and eight high, with streets from ten to twenty feet broad running parallel between the buildings, and crossed by narrow and dirty lanes; and, according to observant travellers, "neither table, chair, or other article of furniture can be seen in the dwellings of the poor."

The rate of wages may be inferred from the average condition of the people. The wages of mechanics and skilful workmen seldom exceed twenty-five cents a day, while those engaged by the month or for longer periods receive still less.

A common laborer ordinarily obtains about fourpence, English, which may be freely translated as eight cents *per diem*. It is this class that constitute the great bulk of emigrants, and who, from their ability to learn readily all ordinary occupations, profit the most when transplanted to some region where labor is in demand. The actual cost of living to a laborer, his wife, and three children is reliably stated at three dollars per month in Canton; while single or elderly persons have been maintained at a cost of one dollar per month.

The small scale to which business is subdivided is shown by the copper coins which form the usual medium of exchange and which form the smallest currency in the world; silver being used only for the larger transactions. An undertaking requiring one hundred dollars of capital is frequently divided among numerous share-holders. It follows that, money having relatively so great a value, the slightest profit is acceptable, and hence in all ordinary transactions bargains are made upon a margin that would be deemed impossible in other countries. As one writer has said, "the Chinese will refuse no money in selling if they can be ever so little gainers." Of course, where business is conducted upon so narrow a margin, slight depressions in the general prosperity of any district produce extreme suffering, such as, for instance, has often resulted from famines. Three years ago, in the provinces of Shantung and Chih-li, a drought destroyed the crops, and as soon as the reserve of food was consumed the people resorted to chaff, the bark of trees, turnip leaves, etc., and were finally reduced to devour the half-decayed sorghum stalks of which the roofs of their rude buildings were composed. It was this famine which was so great that in one place a shop was opened for the sale of human flesh, and many thousands of children were sold into slavery in order that their parents might sustain life upon the proceeds. Aid was given from the other provinces, and it was stated, apparently with truth, that but for such assistance not one-half of the population would have survived until the ripening of another harvest.

Even under ordinary conditions the destitution is very

great, and beggars are brought to almost unimaginable depths. In some cases systematic relief is afforded; but the kind and character of this assistance only further shows the necessities of the people. In Pekin there was long since established a phalanstery, which in Chinese was termed "the House of Hen's Feathers." This was a large building upon the floor of which was a thick layer of feathers, over which was spread one immense coverlet, provided with innumerable holes, each large enough for a human head to pass through. The lodgers —men, women and children—buried themselves indiscriminately in this mass of feathers, each thrusting his head through one of the holes, and each paying the value of a tenth of a cent for a night in this dormitory. In the morning the noise of a *tam-tam* afforded the signal for lifting the coverlet by a pulley suspended from the ceiling, and for starting the mendicants each upon his way.

Such are the conditions of life with the working multitudes of China, a population of five hundred millions confined within a territory of twelve hundred and eighty thousand square miles, or four hundred and sixteen to the square mile. The northern, western, and southern boundaries of this region are formed by the dependencies of the central State. Each of these tributary countries has a less capacity than China proper for sustaining a numerous population, and all have already reached the maximum they are able to support. The only outlet, therefore, for the population of China is to the westward, to Australasia, and to the distant coasts of America. Toward these, when existing obstructions to Chinese emigration are removed, the population of China must as naturally flow as the waters of pent up rivers flow to adjacent lowlands when the levees are broken down. Thus the prospect of the near future (for fifty or a hundred years are but a brief space in the life of nations) is that the outflow of this great people with its ingrained characteristics and its hoary institutions will sweep down upon the slightly settled western portion of this continent, especially upon that richest part of the Pacific slope where the presence of the Asiatics has already produced mischief and discontent.

Peculiarly pertinent to this phase of the question is the fact that the Chinese have never retraced their way from any region where they have once established themselves. The dragon flag has never been more than temporarily lowered from any country where it has once been planted. Time has been within the past few hundred years when China possessed nothing but her own area, the Central Kingdom. Today she has obtained, either by peaceful acquisition or by conquest, the control of the countries of Mongolia, of Mantchuria, of Eastern Turkestan, and of Thibet; while her population is swarming into Siam, and some portions of India, and the complete control of Formosa is but a question of time. More than this, in the Philippine Islands, the first foreign land to feel the noxious effects of Chinese immigration, neither statecraft nor slaughter has been sufficient to uproot the peaceful invaders. Nearly three hundred years ago, at a period when the Spanish residents of the Philippines were only about eight hundred, the Chinese numbered nearly twenty thousand. A well-founded fear on the part of the handful of Europeans led to a contest in which the Spaniards, provided with fire-arms, succeeded in slaughtering nearly the whole number of the badly armed celestials. Yet within thirty years thereafter, the Chinese population had increased through new immigrations to thirty-three thousand. These were in time detected in fomenting rebellion, and the work of the previous generation was repeated. Fully two-thirds of the Chinese were destroyed. After this, legislation limited the Chinese in the islands to six thousand; and in 1710 they were all expelled, and trade with China was prohibited. But with all this, it has been impossible to keep them away, there being at the present time about ninety thousand Chinese in Manilla.

The meaning of this incident in the history of Chinese emigration, is emphasized by the admitted fact that the outflow has occurred in defiance of the authorities of China, and not by their favor. With a wise forecast, the policy of the Government, since the rise of the western powers, has been to keep the Empire intact, and to prevent, so far as possible, the involution of its people with those of other countries. As we shall

see further on, this policy, sound and considerate in itself, has been broken down only by the persistent efforts of the foreign powers, to whom our own country has acted as deputy-assistant in no very dignified manner or degree. The enforcement of Chinese law has been sufficient to restrain the inhabitants of the interior from seeking a foreign outlet, but this has been ineffectual as concerns the outer provinces. The Chinese population on our Pacific coast is about one hundred and fifty thousand, yet all of these have been derived from an area of but fifteen thousand square miles, embraced within the Province of Quang-tung, this area having a population of about five millions. An emigration, in the same ratio of population, from the entire Central Kingdom, would launch upon the Pacific coast a population of ten millions, which would reduce the Caucasian community to the proportion of six per cent. of the total. But so great and so dense is the population of China, that the loss of ten millions of her inhabitants would make no perceptible change in her resources, or in her industrial, social or political condition. These emigrants are from the agricultural and laboring classes, not more than two per cent., according to official data, being of the literary class; but all, owing to the peculiar educational institutions of their country, more or less disciplined by study and instruction. The reports from which these statements are taken, show that "their average wages at home may be reckoned at less than three dollars a month."

It is to the conservative policy of the Chinese Government, and to this alone, that the western coast of America thus far owes even its comparative immunity from the overwhelming influence of Asiatic immigration. I use the term "comparative immunity" advisedly. If China encouraged the outflow of her people to the same extent that she has discouraged it, the Chinese question would have been already settled beyond recall. Reverence for the wisdom of their ancestors in binding each citizen to his native land by indissoluble ties, has until lately led China to maintain a policy, the results of which have been even more favorable to our safety than conducive to her own.

But before proceeding to a consideration of Chinese immigration, as it affects and is likely to affect the interests of our own country, it may throw some light upon our relations with China if we consider how those relations began, and how they have been evolved to their present degree of intricacy and importance. We shall find that our course has been tributary to European interests, detrimental to our own, and counter, in many instances, to the plain dictates of international justice.

The inception of the Chinese question of today lay in the action of Great Britain in forcing the opium trade upon China fifty years ago. For without this there would have been no material breaking down of the twin principles of Chinese policy—the exclusion of foreigners, and the retention of her people within her own borders. British aggression was based upon the necessity of finding a market for the opium grown in India, and this market could only be obtained in China. The Chinese, possessed of little conception of any other than sensuous enjoyment, had long found in opium a source of pleasure at little pecuniary cost, although at fearful expense of health. But so severe were the repressive measures of the Government that the habit was held in check to an extent never elsewhere accomplished with any form of dissipation. The importation of the drug was strictly forbidden under penalty of death. Through the vigilance of the officials the quantity introduced by smuggling was extremely limited, and the cultivation of the poppy for opium-producing purposes was restricted to one or two small localities. Opium, however, was the one great staple produced for export in the Indian possessions of Great Britain, and the financial condition of those dependencies rendered the sale of this article abroad a matter of vital import. Without a market for opium, and the prosperity of trade resulting therefrom, British power in India would have been shaken to its foundations. This market was opened by the sword, and a peaceful nation, striving to shield its people from one of the greatest scourges that ever afflicted humanity, was assailed by armed squadrons; its fortified cities stormed; its people slaughtered, and its Government brought, against its will, into direct relations with other countries, and

compelled to witness the debasement of millions of its people by the use of a drug that destroys physical and mental health, which renders manhood miserable, and old age degraded. The import of opium into China amounts to upwards of seventy millions of dollars annually, so that seventy-five per cent. of all the exports of tea and silk are paid for by the infernal drug; and the quantity consumed, including the native growth, is more than twenty-one million pounds, or ten thousand five hundred tons. The extent to which the consumption of this drug has debased the energies of the people and induced profligacy and poverty, cannot be measured. Nor does the mischief end with this, for, the industrial capacity of the people being diminished, the taxes are lessened, the difficulty of collecting them enhanced and the administration of the government retarded.

The motive which induced Great Britain to force the opium trade upon China, still exists; for the Indian Government derives at this present time each year a profit of eight million pounds sterling, or forty millions of dollars, from its opium monopoly, and without this the British power from Cape Comorin to Lahore would in twenty years vanish into air. It is not without interest, in this connection, that we trace the cry of protection to American commerce in the Chinese seas in part to the participation of Americans in this iniquitous traffic.

It was certified by the United States Legation at Canton in 1858, that "the most active opium business in any single ship was carried on in a steamer built in New York, and floating the American flag." At that time, upwards of one-quarter of the opium was carried in American vessels. Had there been no opium war between Great Britain and China and no attempt on the part of our people to share in the advantages of the trade, there would have been no Chinese question on the Pacific coast of the United States; for in the political as in the organic world foul seeds spread rapidly their noisome growths to distant places, and bear their rank and bitter fruit under circumstances the least foreseen. With the success of the English in securing trade with China, came the

desire of other countries to profit by traffic with this remotest East. The French soon joined with the British. The Dutch, who under severe restriction had long traded with China, were quick to assert their claims. Then came Germans and Americans, and all together united to force upon China a policy repugnant to her national ideas, and contrary to her traditional usages in commerce and industries. In all these aggressions the interests of the United States were of the slightest account, and the profits from her ill-advised interference have been less than the price of the birthright of Esau; for in return for our little gains we have had cast upon us one of the weightiest problems known to historic times. We can only appreciate the relations with China of the United States, and of the western powers, by an analysis of their demands urged by diplomacy, and enforced by cannon-shot.

In doing this, we should remember that China was a nationality independent and established; one that dated from the remotest ages; one possessed of a distinctive civilization; and one which had for its leading political idea non-intervention in the affairs of the nations whose people came from the distant seas. Her institutions were the outgrowth of four thousand years of slow but permanent progress; her social customs had been handed down from generation to generation for forty centuries. These usages and customs were hallowed by antiquity and were the object of idolatrous reverence on the part of the entire people. Yet for their own benefit, and not for hers, the distant nations have temporarily succeeded in subjecting this great country to indignities that they would not have dared to propose to each other, and to which not one of them would have submitted for an hour.

The opium trade began with an armed vessel sent out by the Government at Bengal. It was continued by private armed cruisers, fitted out to resist the Chinese government vessels in their efforts to prevent the introduction of the drug, and which acted as receiving-ships at convenient places along the coast. This continued until the war with Great Britain resulted in opening the ports of Shanghai and Canton to the sale of the article. Thus, by force of arms, China was compelled to permit

a traffic which in the course of twenty-five years reduced the normal increase of her population from three per cent. annually to one per cent. But this was but the entering wedge to foreign demands.

The next step in aggression was the doctrine of exterritoriality, which exempts foreigners from the operation of Chinese laws, and which has been, and still is, insisted upon and enforced by all the foreign powers. Less than ten years ago, our representative at Pekin formally reasserted "the intention of the Government of the United States to claim for all its citizens entire exemption from the operation of Chinese law," and this is the policy of the United States today. No Chinese can arraign any foreigner in a Chinese court, for any offence or any crime. It is not known that any foreigner has ever yet been executed for the murder of a Chinaman, except, possibly, at Hong Kong and Macao. It is part of the system of the members of the diplomatic corps in China to make common cause with each other, in order that what is demanded by one may, if obtained, be shared by the others; and the "favored nation" clause forms part and parcel of every treaty between China and other countries. Among the demands made by France is that of "the right to place salaried consuls at any point, either on the coast or in the interior, and that any place where such a consul resides shall be open to foreign trade." The same power also demands that the revenue derived from the tonnage dues of the Chinese ports shall be handed over to a "mixed commission, composed entirely of foreigners, to be expended in such a manner as may seem proper;" the avowed idea being that the amount should be devoted to the improvements of the harbors for the accommodation of foreign vessels. In other words, it is asked that China shall not only surrender a portion of her legal revenues, but shall virtually hand over the administration of her seaports to foreign powers. Our own country claims that citizens of the United States, importing merchandise into China, "should have the privilege of transshipping such merchandise in their own vessels, or of those belonging to the subjects of China, to any point on the Yangtse River and its tributaries,

without limitation or restraint," which amounts to a claim that the Chinese government shall give up the control of its inland commerce. This demand, made many years ago, has been persisted in by our present representative in China, with the more explicit demand that foreign goods in native hands shall not pay the *lekin* or internal customs duty which is levied on the transit of goods from one part of the Empire to another. This is, in substance, simply the assertion of a right to prevent the Chinese government from collecting its usual taxes from its own people.

In view of these demands it is not strange to find it officially stated that the foreign residents of China regard force "as the only sure and speedy agent for opening up China;" that the merchants "look upon the use of force as necessary to open up new resources and avenues of industry;" and that the missionaries favor it, because it will render their task "less difficult," and also for the reason "that the use of arms to compel submission, is only adding an auxiliary force to reason, to accomplish the great work of the Master."

When we find merchant and missionary using the arguments of the buccaneer in matters of general import, we are justified in further examination of the equities of specific claims. The character of many of the demands for damages made against the Chinese government needs no further illustration than the fact that the indemnity paid by the Chinese, a few years ago, was so largely in excess of the amount actually due that a large surplus still lies in the United States Treasury; and by the further fact that many of these claims grew out of the damage inflicted by the British bombardment of Canton in 1856, or were necessarily involved in the defensive operations of the Chinese. A claim for indemnity for these losses was simply an assertion that the Chinese government should afford to the property of foreigners a protection not given to its own citizens. It is further to be remembered that our own Government was in virtual sympathy with the British assault, and only two years later, one of our naval officers, although we were at peace with China, joined the British in their attack on the fortifications at the mouth of the Peiho. In like manner, nine

years ago, when we were under treaty obligations to maintain peace with China, an American fleet composed of two ships of war and four armed steam-launches was sent by the commander on the China station to prepare a chart of the channel between the main-land and the island of Hanghoi; which was very much the same as if a foreign power, against our protest, should send an armed squadron to take soundings in the East River. As was expected, and prepared for, the Chinese opposed the invasion, and as a result had their batteries silenced by American guns. This, a few days later, was followed up on our part by an attack in which five forts were completely destroyed and two hundred and fifty of the Chinese were slaughtered. How much danger was experienced by our forces in this exploit, may be inferred from our loss of three killed and ten wounded. It was, however, sufficient to cause our envoy to explain to our Government that the "gallantry and heroism" of our marines were "conspicuous," and reflected "honor and renown" upon our "navy and Government." The same spirit, that of the presumably strong against the presumably weak, has been displayed in nearly all the relations of the foreign powers with the people of China.

We have already seen how venerable and how nearly approaching the nature of a religion is the reverence of the Chinese for their social customs. Yet the disregard by foreigners of all that the Chinese hold sacred is deliberately made a constant source of irritation. In the words of one of our own officials, "among the Chinese the unsullied reputation and modest demeanor of females is very highly esteemed; and the rules for separating the sexes are very strict, both in regard to their personal intercourse, and the seclusion of their apartments." Yet the Chinese female converts are led to disregard this public opinion and, by open defiance of the usages common among the respectable classes of their own people, give offence to their relatives and neighbors. In some cases the marriage contract has been interfered with by the foreigners; and it was to such a cause that the death of one of the missionaries in 1869 was due. It is to be noted in this connection that while the assassins of the missionary

were executed, one of them beheaded and the other strangled, certain converts who engaged in offensive operations against the Chinese Government have never been punished; and that in another instance a native convert who headed a mob that killed two hundred natives was, through the influence of the missionaries, enabled to escape beyond sea, and was never traced. Many of the assaults on foreigners which have awakened indignation in Europe and in this country, were kindled originally by the deliberate violation of Chinese law, or of usages which have the force of law. It has been no uncommon thing for the foreign missionaries to assume governmental pretensions, and thus strike directly at the home authority of the local officials. The assassination of the Governor of Macao in 1849 was the result of cutting roads through the graves of the Chinese buried outside of the city, and the riot in the French Concession in 1875 arose from the same cause. When we recall the veneration of the Chinese for their ancestors, it is not surprising that public feeling took the form of violent resistance to the desecration of the graves. It is not difficult to imagine that something similar might have occurred even in an American city, had an identical cause existed.

Everywhere in China the foreigner has sought to enforce his will by the exercise of arbitrary power; the guns of war vessels and the sabres of marines are his only arguments. And inasmuch as the Chinese, though physically brave, are badly armed and worse disciplined, it was only to be expected that all the resources of Asiatic diplomacy would be brought to bear with all of native craft in defence of native rights. Nor shall we fail to find that, after all, the subtlety and far-sightedness of the Asiatic have more than equalled the force of the invaders. The claim that foreigners should trade without let or hindrance in any part of the Empire, and that the payment of internal taxes should be remitted in their favor, has been successfully evaded or resisted until Great Britain, who controls seven-eighths of the trade with China, has virtually ceased to insist upon it. It is not likely that any other country will hereafter seriously attempt to enforce it.

The indirect efforts to secure the purposed dominance of foreign influence in the interior of China by the introduction of railroads, telegraphs, and steam navigation have been brought to the same dismal end.

Meanwhile Chinese merchants, entering the paths of competition which were opened to them perforce, have in a great measure crowded European traders from numerous ports more or less remote from Chinese coasts. This is true of the trade with Saigon, in Cochin China, with Bangkok in Siam; with Singapore in India; with Batavia in Java; and with Manilla in the Philippine Islands. Sometime since the British India Steam Navigation Company had a strong line of vessels on the route between Calcutta and Singapore, touching at intermediate points. A Chinese company started a line between Rangoon and Singapore, and in a short time the British line, except for a government subsidy, would have been compelled to stop,—the carrying business, at latest accounts, being reduced to the lowest ebb.

Six years ago a foreign company without a concession from the Chinese authorities laid a short railway to connect Shanghai with the river entrance to the harbor. It was conceded that the foreigners who undertook the enterprise had no right to do so; and the American minister expressed the opinion that "the body of ministers at Pekin ought in advance to hold language regarding the project of a sort calculated to keep matters in their present satisfactory condition;" which being interpreted means that certain foreigners having stolen a right of way for a purpose not recognized by the Government, the latter was to be bullied by foreign pressure into compliance. An American citizen was placed in charge of the grading, and the American representative declared that he was ready to defend the right of the projectors to build the railway. The only stirring incident in the construction of the road, however, was a fight between the American citizen aforesaid and an old woman whose land was endangered by his refusal to place a culvert where the grading crossed a ditch. Although the projectors had no right to construct the railway, it was purchased by the Chinese

government at a fair price which was determined by arbitration. It is a matter of recent newspaper comment that the rails have been taken up, and exported to this country as old iron.

The history of the attempted telegraph line is substantially identical with that of the railroad. In October, 1875, a Danish company, without any legal authority, began the construction of a telegraph line from Foo-Choo, the centre of the tea industry, to the port of Amoy, and continued the construction, although the officials had positively refused to sign a contract. In this, as with the railroad, the American representative was not slow to intimate that the diplomatic body should insist upon the permanent enjoyment of the rights appropriated without the shadow of law. Twenty miles of the line were destroyed by local officials, whereupon a claim for indemnity was set up by the Company. As the latter had a *quasi* agreement with a body known as "the Board of Foreign Trade" of the Province, the matter was finally settled by the Chinese Government purchasing the whole concern for the sum of one hundred and twenty-four thousand five hundred Mexican dollars, which ended the controversy, and with it the telegraph line.

During fifteen years, the American Steam Navigation Company owned a fleet of twenty steam-ships, two or three of which were of American, and the others of English build, and which traded between Shanghai and the Yangtse ports and Tientzing. In 1875, a Chinese corporation, the Chinese Merchandise Company, had vessels on the same water routes. In that year the Chinese government agreed with the native Company for certain freights at rates more than twice as high as those obtainable by either company in the open market, and which of course amounted simply to a subsidy to the Chinese Company. In less than two years the American enterprise was bought out by the Chinese, and American competition with native shipping was ended on the rivers of China. The philanthropic idea of supplying China with a currency by the coinage of the trade dollar illustrates our ignorance of Chinese methods and Chinese wants. In the north of China, not five

hundred of the new coins were found two years after their introduction; while in the south they utterly failed to replace the Mexican dollar, which is a favorite form of silver.

So much for our diplomacy with China in matters of comparatively minor importance; for those referred to are dwarfed by comparison with the Burlingame Treaty, in which the far-reaching Chinamen found in an American politician a convenient implement with which to manipulate the policy of an aggressive but short-sighted nation. That treaty conferred on each of the parties thereto all the rights granted by the other to the most favored nation. The United States has granted to the most favored nations the right, on the part of their citizens, of passing without restraint to all portions of our country, of transacting business to the same extent and in the same manner as our own citizens, and of freely exercising their religion without let or hindrance. China has granted to her favored nations the right of their citizens to travel to and reside in certain open ports, and nowhere else. To quote the language of our consul at Ningpo, "it is a settled question so far as the Government of the United States is concerned, that missionaries have no right to reside elsewhere than at the open ports," and that such right does not extend to other citizens. This interpretation of the treaty has been concurred in by our State Department, and also by the British government whose instructions to her envoy have been of the same tenor.

Such are the results abroad of our interference in Chinese affairs, and of our diplomatic relations with China. But it is only when we consider their outcome on our own soil that we can fully recognize their utter folly, the mischief already wrought by our colossal blunders and the further mischief that bids fair to come.

When British cannon first opened Chinese ports, California was known to us mainly as a land fruitful in products and winsome in climate: a broad territory, coveted by Great Britain and by our own country, and held with an unsteady hand by Mexico. Ten years later it belonged to the United States, and its gold mines made it the El Dorado of the restless

of all nations. With the others came the Chinese. As individuals they came and returned to their own country, a constant ebb and flow. As a people they came to stay. Their number has constantly increased in spite of all obstacles, until in commerce and industries their influence is dominant through all the Pacific coast, and their advance scouts have extended to the Atlantic seaboard. It is in California, however, that the problems springing from their presence have most forcibly arisen, and it is from California that facts conclusive in the solution of these problems must be derived.

California has a population, Chinese included, of about seven hundred and fifty thousand, or somewhat less than four individuals to the square mile. The land, at the date of its annexation, was held in large grants, some from the Mexican, others primarily from the Spanish Government, and all, so far as they were *bonâ fide*, protected by the treaty of Guadaloupe Hidalgo. Although these lands have in a measure passed to new owners, they have seldom been divided into smaller holdings, and are now possessed by a comparatively small percentage of the entire population of the State. The influx of Chinese labor almost simultaneous with the new settlement of the country, provided a means by which these lands could be worked at little cost, and obviated the necessity, which otherwise would have existed, of dividing the immense ranches into farms. Chinese immigration, therefore, buttressed the almost feudal control of the land. In their turn the great land-owners lent the power of their wealth, their political influence, and their business talent in favor of the system of cheap labor by which their own power was maintained. From this it has followed that the social economy of California agriculture has throughout been different from that of any other country professedly governed by republican institutions or assuming to be controlled by republican traditions.

The great crops which form the staple productions of the soil are such as require no tillage between seed-time and harvest, which thus become the only active seasons of the year. East of the Sierras the conditions of farming are such that there is opportunity for continuous labor from early Spring to

later Autumn, and even in some degree throughout the Winter months: and the farm laborer has opportunity for constant occupation. Forming, as he does, a part of a homogeneous community he has, if a man of family, a fixed abode, however rude, and has within his reach many at least of the ordinary comforts of life. If single, he commonly resides in the family of his employer. Under such circumstances the existence of the farm hand is rendered tolerable, neither undignified nor unworthy: and there is nothing in his condition which need impair his self-respect or deny to his industry or skill their legitimate reward of pecuniary or social success. But nothing of this exists in California farming. The laborer is hired during a few weeks of the heavy Spring work and of the harvest. He receives his wages and his rations, and is expected to lodge himself. Wrapped in his blanket, he sleeps in an outhouse or on the threshed straw under the rainless sky. When the season of driving work is over he goes away, whither no one knows and no one cares. Thus periods of long idleness intervene between seasons of severe labor. Such a system is possible only in a country composed of estates of immense proportions, tilled by labor of the cheapest and most servile kind.

The discovery of gold, the reported fertility of the soil, and the beauty of the climate led at the outset to a large immigration from the Eastern States; to the organization of a commonwealth based on their political traditions and social usages. These traditions and usages were and still are directly counter to those which, in all ages, have resulted from the control of the land by the few, and to those represented by the cheap labor of the Chinese. The civilization represented by the masses of the white settlers on the Pacific coast had, as an inherent necessity, a remuneration of labor adequate to the comfortable maintenance of families, their education, their refinement in manners, mind and morals; which can only obtain where the physical being is sustained by sufficient nutrition, and the intellect and emotional nature suffered to expand by a fair degree of leisure. The civilization represented by the large land-owners was that springing from the use of labor secured at the lowest possible remuneration, re-

gardless of its effects on the laboring classes. This labor was found in the Chinese immigrants who, without families, and used in their own country to the smallest wages, could be obtained in unlimited number at rates lower than those necessary for the bare sustenance of white workingmen. The conflict between these two forms of civilization began early. It has extended to every branch of industry, and the results thus far have been detrimental in the extreme to that which we are accustomed to consider as the highest form of Caucasian society. The Chinese have invaded every department of industry, and Chinese executive ability has marshalled that labor into the most effective opposition to the industrial classes of the whites. Everywhere, except among the wealthy, the white man has gone to the wall in the competition with the Asiatic.

This is most conveniently illustrated by reference to the various branches of industry on the Pacific coast; for the manufacturing interests that, with a normal development of society, would have been built up by white labor, have virtually passed into the hands of the Chinese. The result is, not only that laboring men as such are thrown out of employment, or reduced to wages insufficient for comfortable maintenance, but all those occupations which, even in the most crowded Caucasian communities, afford a frugal sustenance to women and children, are monopolized by the Chinese. For example, in some portions of the Eastern States, as also in England, the season of picking hops is one as festive in character as the vintage of France or Italy, because it affords unusually high wages during three or four weeks to women and children whose labor at other seasons has little money value. Wherever, east of the Rocky Mountains, hops are grown, the hop-picking season is looked forward to by thousands of young girls and by needy families as offering a means of ready money, the use of which is often extended throughout the remainder of the year. In California the hop-picking is done by Chinese to the exclusion of all others. So also, in many portions of the Eastern States, the season of berry-picking affords an opportunity for the earning of money, which to the poor softens the hardships of other and more scanty seasons. In California, berry-picking,

which at one time was availed of by women and children, has been entirely absorbed by Chinese. The weaving, which formerly was done almost entirely by women, is now done by Chinese. In the making of underclothing, Chinese do the work which in this country and Europe is performed by seamstresses. The laundry-work, the dress-making and the millinery-work have been passed to the Chinese. The manufacture of shoes for women and children is entirely in their hands. The gathering of fruit, the digging of potatoes, the care of gardens is for the most part done by them. The handling of the immense crops of the coast calls for the use of many tens of thousands of grain-bags, which are all sewed by Chinese. In the large dairies, some of them having from a thousand to thirteen hundred cows, the milking and other dairy work is performed by Chinese. The seating of cane chairs, which forms the last resource for poor women in eastern cities, is in California given over to Chinamen.

When white labor is thus crowded away from the minor and poorer industries, it follows as a matter of course that other and more remunerative occupations are filled in the same way. The Chinese are employed in the woollen mills; in the tanneries; in fisheries; in the canning of fruits, etc.; in the varnishing of furniture and the like; in the building of embankments for the redemption of overflowed lands; in railway work, the making of road-cuttings, and the digging of tunnels. There is scarcely a manufacture in which they do not constitute the whole or the great majority of the operatives. In one establishment in San Francisco (the Mission Woollen Mills), five hundred and fifty Chinese have been employed at one time. In a neighboring spring-mattress factory, not a single white man found work, and, near by, the only oakum factory in the city was also Chinese throughout. In placer-mining there were four thousand in one neighborhood, near Oroville; and in many localities they have entirely exhausted mines which, although incapable of profit with the wasteful methods in vogue twenty years ago, would have proved by this time sources of revenue to the whites. There are in San Francisco fifteen thousand boys and girls, between the ages of fourteen and

twenty, who, in eastern communities, would find active employment; but they cannot compete with the Chinese, and are for the most part idle.

The Chinaman, it is claimed, and apparently with truth, will learn any given mechanical operation in one-third of the time required by a white workman. He has no family; he lives in the most frugal manner; he lodges upon a wooden bench; he has been used at home to wages that would hardly more than sustain life. His sole ambition is to accumulate from two hundred to four hundred dollars, which is to him a fortune, and which enables him to return as a rich man to his own country. He is obedient and servile. By means of all this he is enabled to live as no white man could live, even if the white man were not burdened with the support of wife and children. The result has been to prevent the immigration of a strong and healthy laboring class of kindred and easily affiliated race from the Eastern States and from Europe. Thus there has been almost wholly wanting in California, the element that contributed so largely to build up the prosperity of the whole country east of the Rocky Mountains.

The evil of this has been twofold. Not only has the sum total of a large Caucasian immigration been lost, but there has been none of the natural and legitimate increase of population that would have resulted therefrom. In the Eastern States the Swedish, Irish, or German maiden finds ready employment in domestic service; in course of time she marries and children are born, and families surrounded by the safeguards of Christian communities grow up to careers of usefulness and often of honor. In the second or third generation the descendants of the European immigrant are so completely merged with our people that no difference is perceptible. In California anything of the kind is impossible. To a certain extent it existed before Chinese cheap labor had become so overpowering as it now is; but it has diminished in the same ratio that the latter grew to be the dominant feature of the Californian industrial system. California has thus been shut off from the legitimate elements of growth which would have made her, in all the essentials of material and moral prosperity,

tenfold stronger than she is today. Chinese labor has operated not only to prevent, but to destroy the normal development of the State, and to throw upon the people unwonted burdens. In every community there are many who, through adversity, are thrown suddenly upon their own resources—children, and tender women who must seek a sustenance in humble employments. Where access to these is closed, as it is by Chinese labor, the alternative is fearful and plain. The woman who, in California, without friends or money seeks to earn a livelihood by any of the occupations commonly open to her class in even the most crowded cities of Europe or of the Eastern States, is met at every turn by Chinese who will work for less than is necessary to support life and health in a person of Caucasian descent and training. There is for her the simple alternative of shame or starvation. The man who is dependent upon his handiwork for daily bread, finds his children dwarfed for need of mere physical nutrition, because his income, beaten down by Chinese competition, is inadequate to their support; and beggary and crime are the natural results.

The same cause has produced another evil of no slight social magnitude. Where young men find the prospect of supporting families to be insecure, they do not marry. From such a condition of society the political economist deduces with certainty that the normal increase of the population will be slow; the student of moral science deduces with equal positiveness that the standard of public and private morals will be debased.

It is an axiom, that where servile labor is brought in contact with that of a higher social character, the latter is brought down to the level of the former. It was an argument used with effect against the institution of negro slavery, that it was not the colored man alone, but the free white laborer also, who bore the stigma associated with manual toil. The same rule of association holds true as between the Chinese and the white workingman in California. In the city of San Francisco, sixty thousand of the Chinese are crowded into six or seven blocks of buildings. A single story measuring twelve

feet from floor to ceiling is sometimes divided by two intermediate floors, making three stories in one, all occupied by Chinese. The streets in that portion of the city are connected from one side to the other by subterranean passages, so that the occupants of the houses pass underground from building to building. Sometimes the upper stories of the structures are built outward over the street until, at some distance from the ground, they approach within two feet of each other. The district embraces among its denizens some four or five thousand Chinese women, of whom not more than one in twenty is other than the vilest of the vile. When the chief laboring class steams and festers in such dens as these, labor itself must stand low in public esteem. And with such associations and such competition, the wonder is, not that the white population is turbulent, but that it is not a hundred times more revolutionary in its ideas and lawless in their expression.

I am aware that it is sometimes claimed that Chinese labor is not servile, but free. In a subject so important, we need hardly tolerate a quibble on words or a balancing of technical phrases. A people is servile when it becomes an inert mass, directed solely by the will of others, and repelled by fear from exercising the ordinary prerogatives of freemen. That this is the case with the Chinese in California, is apparent when we consider, never so briefly, the circumstances under which they are brought into the country, and the tenure by which their stay is determined. The real masters of the Chinese in California are those of their own countrymen who compose the Six Companies, the Sam Yup, Kong Chow, Wing Yung, Hop Wo, Young Wo and Yang Wo. These enforce their authority partly as creditors of the laborers, and partly by combinations with the steam-ship companies. A contractor desiring any given number of Chinese, makes an agreement with one or the other of the companies, which undertakes to furnish the desired number, to be selected in China. A Chinaman wishing to emigrate from his own country to California will, in most cases, borrow money for his expenses, paying interest at from four to eight per cent. a month; and until this money is repaid

he is bound to the company, and goes hither and thither at its beck and call. In addition to the cost of his voyage, he is required to pay seventy-five dollars to the company as its commission. In return for this commission, the company exercises a general supervision and care over each individual, not only finding him employment, but caring for him in sickness and misfortune.

When the company is fully repaid, the immigrant is presumably free, but is not so in fact. Every Chinaman hopes to return sooner or later to his own country, or at least to have his remains laid beside those of his ancestors; but the Six Companies have made arrangements with the steam-ship companies by which no Chinaman, alive or dead, can be transshipped without their consent. More than this, the great majority, being directly indebted to the companies, work for the interests, real or imagined, of their creditors, and a Chinaman fares hard indeed at the hands of his own people, if he is found to be recalcitrant. Whatever name, therefore, may be given to the relation of the Chinese to their employers, they are neither more nor less than servile to the last degree.

Another result that has been observed to flow from this is the constantly increasing arrogance on the part of employers, a fault cultivated and encouraged by the patient and absolute servility of the cheap laborer.

It is no wonder, therefore, that with wages depressed below the point of comfortable living, and with labor debased to the social depths of an Asiatic community, California has not increased in white population, and has materially diminished in that distributive wealth which is the only solid foundation for the material prosperity of a commonwealth. I know that it is claimed that the aggregate wealth of the State has been increased by Chinese labor, but the evidence does not bear out the assertion. On the contrary, it is not difficult to prove that the State is actually poorer today than she would have been had the Chinese never passed the Golden Gate. More than this, it is easy to show that the wealth of the State, even apart from that included in the land, has been principally accumulated in the hands of a few, while the mass of the people has been impoverished. We

may go further, and assert with perfect truth that even the cities of the Atlantic seaboard are poorer by many millions than they would have been had California been dependent upon white labor alone. That State has lost for the past quarter of a century the increase of white population that would have inured to her, had she presented the attraction of high wages to the thrifty mechanics, farmers and laboring men of the Eastern States. And during the same period she has lost the refinements in tillage and the enterprise in commercial undertakings that she would have experienced had her immense ranches been divided into smaller farms, as they would have been had not the Chinese furnished vassals for their wholesale cultivation.

If agriculture has lost from cheap labor, commerce has not gained. It has been asserted that our trade with China has been promoted by the presence of the Chinese. But if we analyze this we shall find it as delusive as the others. Out of perhaps twenty millions of dollars of imports, thirteen millions are in tea and silk which would be imported to the same degree if there were no Chinese on the coast; and the same remark applies to most of the other imports, a very large proportion of which is consumed by the Chinese themselves, as, for example, two million dollars of rice, three hundred thousand of fire-crackers, and one million dollars, more or less, of opium. Of the balance, some three or four millions of dollars, it is difficult to see in what respect it owes its existence to Chinese immigration. It consists of such items as oil of aniseseed, cassia-buds, china-ware, camphor and cassia, all of which find a considerable, if not their greatest market, in the Eastern States, and would be called for regardless of the character of the population on the Pacific coast. On the other hand, our exports amount to between ten and eleven millions, leaving a balance of trade against us of apparently about nine and a-half millions, but which in reality is about seventeen millions. For more than seven-tenths of our so-called exports to China consist of treasure which is listed with the merchandise. This seventeen millions in coin and its equivalent passes to China, and thence, in payment for opium,

to the British, to form part of the fund with which their power is maintained in the East. About one million dollars of our exports consist of quicksilver, and another million of sundries. The export of flour, about which so much has been said, amounts to only thirteen or fourteen thousand barrels per annum; of coal, about fifteen thousand tons; and of lumber, about two million feet, having a value of some fifty thousand dollars. There is not enough in this showing to indicate any great or permanent advantage to this country from the continuance of commerce with China.

But the story is not yet fully told. There are in San Francisco fifteen or twenty Chinese firms through whom the great bulk of this commerce is transacted, and its profit goes not to our own people, but to the Chinese, whose allegiance is to their own country, and whose wealth is part of the wealth of China. The wealth that has been accumulated through Chinese labor has been amassed by the few, and has contributed nothing to the prosperity of the masses. It is not twenty years since the Pacific Railway was built with subsidies from the Federal and the State government, and even of counties along the line. The cost of building the road was based upon estimates of the ruling rates of white labor. Upon these estimates the appropriations and subscriptions were made. When the work was undertaken, instead of employing the workingmen of the country, the projectors, through the Six Companies, obtained ten thousand coolies direct from China, and with these the road was built. But the profits went, not to the community, but to the few bold business men, whose wealth dazzles the eye and inflames the imagination. And this wealth, obtained in this manner, and concentrated in a mere fraction of the population, has been prejudicial to the best interests of the State, for it has been used throughout to perpetuate the abnormal conditions through which it was first obtained.

Furthermore, the results of the cheap labor of California have come in direct competition with the labor of the eastern portion of our country. For the laboring man, who is accustomed to the standard of life in the East, cannot work and keep his strength on the low wages of the Chinese. And whenever

the products of his labor have come in competition with those of Chinese labor, they have been lowered in price, and, as an inevitable result, his wages have been reduced in proportion. Fifteen years ago, California sent forty millions of dollars annually to the Eastern States in payment for manufactured products; today the Californian market is practically closed to eastern manufactured products, because Chinese labor produces them at lower prices than is possible on the Atlantic coast. In proportion as the demand for the results of labor in the East diminishes, just in the same degree must the wages of the laborer in the East be reduced, and unless this tendency is stopped by legislation, both as concerns the East and the West, it must continue with constantly increasing force until white labor is driven to degradation or revolution.

But the tendency referred to has gone even further than I have indicated. We have seen that the hop-yards of California, some of them of forty and fifty acres in extent, are picked by Chinese whose wages are so low as to afford a virtual bounty upon the product as against that of eastern hop-yards. It is known that within the past few months the tobacco of Connecticut has been shipped to California, there made into cigars by Chinese operatives, and then returned to the eastern markets; so that the cigar-makers of New York, Boston and Philadelphia are brought into the same direct competition with Chinese labor as those of the Pacific coast. As concerns many branches of manufacture, this would occur even if Chinese immigration was restrained west of the Rocky Mountains. But, as we all know, the Chinese have penetrated to every large city in the country. They swarm in Brooklyn, and have their own "Chinese quarter" locally known as "Chinatown." In New York City there are, in round numbers, two thousand of them who, like their brethren in California, take the work ordinarily done by women and children. Here as there, they are without families, and here as there they live in the same cheap squalor and comfortable debasement. It is keeping within bounds to say that for each Chinaman who follows the occupation of "washee-washee" in this country, a family of a washer-woman with four children

lose their means of subsistence and sink to deeper depths of poverty.

It may be asked, why, with these facts staring the investigator in the face, so strong a public opinion as we know exists should have been produced or maintained in favor of Chinese immigration. The answer is easily found. California is in a great measure ruled by railroads whose builders made fortunes through Chinese labor. The Pacific Mail Steamship Company has its vessels manned with Chinese sailors, and makes its profits from the transport of Chinese coolies to such a degree that without this traffic it could hardly exist; and, as we have seen, it is in close affiliation with the Chinese companies through whom the immense flood of Asiatic laborers has flowed into the country. The American consular charges in China have been from one to two dollars per head for every Chinaman shipped; and all the official weight of the American representatives at Hong Kong has been thrown in favor of the trade. And every large manufacturer and great land-owner who has found the profits of the ranch or the manufactory enhanced through the reduction of wages to the lowest point, has joined in laudation of cheap labor. To so great an extent has the fabrication of a public opinion in favor of the Chinese been carried, that after the death of Senator Morton, it was widely reported, and almost as widely believed, that he had left in his own handwriting a report in laudation of Chinese labor and advocating its continuance; whereas the truth was that Senator Morton joined with the other members of the committee in declaring that it has "become painfully evident that the Pacific coast must in time become either American or Mongolian,"—and, with reference to the present industrial condition of California arising from Chinese labor, used the following language: "The Chinese have advantages which will put them far in advance in the race for possession. They can subsist where the American would starve. They can work for wages which will not furnish the barest necessities of life to an American." This committee, of which the Senator was one, and in whose report he joined, spoke of the Chinese as making their way "by revolting characteristics and by

dispensing with what would be mere necessities in modern civilization." Yet in spite of this emphatic language the pro-Chinese advocates have succeeded in spreading the current belief that the distinguished Senator came to the same conclusion as themselves.

It has been supposed by many that Chinese immigration has reached its limit. But this is at variance with what is plainly indicated by demonstrated facts. Although many Chinese return each Autumn to their own country, a still larger number make their advent in the Spring; the annual surplus of immigrants over emigrants being from eighteen thousand to twenty thousand, which insures a constant increase of the Chinese population. As already stated, the Chinese constitute one-sixth of the people of the State; their number being about one hundred and fifty thousand. This is an average of various estimates, and is probably rather below than above the number, inasmuch as the Chinese are most ingenious in evading any accurate enumeration. We may here pause for a curious calculation. There are only between five and six thousand Chinese females in the State; and the Chinamen are, therefore, almost without exception, men without families. Each one of them is inspected before leaving China, with a care equal to the inspection of volunteers for active service in time of war. Without this they cannot be shipped. They are therefore healthy, active and enduring,—as much so, probably, as the average military force of any country. As concerns the white community, the number of men fit to bear arms may be estimated by the same rule that obtains in European countries, which is one in five of the total population. Therefore, of the six hundred thousand whites, there may be counted one hundred and twenty thousand men capable of actual service. From this it follows that in the number of men fit to bear arms in California today, China is twenty per cent. stronger than the United States. We may readily infer whether this proportion is likely to increase, when we consider the low cost at which Chinese immigrants can be brought to the Pacific coast. The charge per head for bringing coolies on a steam-ship is variously stated; sometimes as high

as fifty-five dollars by the advocates of Chinese immigration, sometimes as low as ten dollars by its opponents. The truth appears to be that the actual rates of the steam-ship company is about thirty dollars from Hong Kong to San Francisco, and about ten dollars on the return. I find in a sworn statement made by an expert in the business, that in sailing-vessels the Chinese can be brought to California for fifteen dollars each. Even under conditions hitherto existing, it is plain that the Chinese will continue to increase on the Pacific coast.

But there is another and novel aspect of the Chinese question which gives renewed and multiplied force to every argument used against this Asiatic invasion. As we have seen, China for many hundred years discouraged the emigration of her people. We have seen, also, that the barriers she builded to shield her empire were broken down by force and fraud in which, in the later days at least, we had our share. We have seen, too, that the Chinese intellect, the Chinese character, is strong, vigorous, patient and far-sighted; and that as diplomats the statesmen of China have held their own with those of every other nation in the world. This people thus constituted have now reached a point where the policy of four thousand years is manifestly reversed, and China, instead of standing upon the defensive, is upon the verge of, if she has not already adopted, an aggressive policy.

The signs of aggression are neither few nor obscure. As already remarked, on her own coasts and in neighboring regions she has supplanted the enterprise of Europeans and Americans. This process is now being extended to our own country and, if continued, will soon constitute upon the Pacific coast a power too strong to be overcome by policy or war. The Chinese Steam Navigation Company is about to establish a steam line direct to Havana, which at once will control the Chinese trade with the Atlantic seaboard and the Spanish Main, and provide a means for the easy transport of Chinese immigrants to the United States, the West Indies and South America. One hundred and forty thousand of these, it is stated on apparently good authority, have already found a place in Cuba. Within the past few weeks, we have witnessed the inauguration, with

the steamer *Hochung*, of direct trade in Chinese steam-vessels between Hong Kong and San Francisco. The opportunities afforded by a favorable public opinion and thoughtless governmental action, both in this country and in Europe, have enabled China to avail herself of the latest and most improved resources, whether for peaceful or warlike purposes. Hundreds of the best of her young men have been educated in Caucasian schools; the scientific works of Europe and America have been translated into her language for the use of her officials. Armories have been established on Chinese soil for the manufacture of improved fire-arms for Chinese troops. China has defeated the Russians in Kashgar with muskets from the arsenals of Europe, and has mounted Krupp guns on the earthworks that guard the inlets to the great rivers. And within the past few years she has equipped a navy which, with the single exception of that of Great Britain, carries heavier and more effective ordnance than that of any other nation in the world. And it is this nation, possessed at the present time of a population of upwards of five hundred millions, increasing at the rate of one per cent. per annum or one hundred millions in twenty years; it is this nation, hemmed in on all sides, save that of the sea, and whose soil has already reached the limit of productiveness for its people; it is this nation, whose sway has never permanently receded from any region over which it has once been held; it is this nation with which we are now brought face to face, and which we smite with one hand, while with the other we open wide the gates to its inflow upon our territory.

Is it not time we sought to protect ourselves against the influx of such a people, the commercial enterprise of such a country, the possible aggressions of such a power? But in what way shall the inflow be stopped and its reflux be secured? Considered with reference to the formalities and technicalities of diplomacy, the subject is perhaps not free from complexity. Examined with reference to expediency, to the broad equities which, with nations as with individuals, should be of controlling authority, the case grows comparatively clear. Sweeping aside all sentimentality and all technicalities woven by diplomacy, or rather by the lack of it, the most direct method is the best.

Chinese immigration should be stopped by all the power of the Government, and the elimination of the Chinese from our borders should be secured with the least possible delay. And preliminary to these, such legislation should be had as will either *de facto* or *de jure* abrogate our existing treaty with China. Notwithstanding the high authority which has pronounced that treaty as having the force of a provision of the Constitution, I for one must forcibly dissent from such a plea. The same paragraph of the Constitution which provides that treaties made in accordance therewith shall be the supreme law of the land, also declares that statutes made in accordance therewith shall be the supreme law of the land. A law of Congress, therefore, stands upon the same level and has the same force as a treaty with a foreign power. From this it follows that the latest manifestation of the legislative or treaty-making power, as the case may be, must prevail over any previous action of converse tenor, and a Federal statute contrary to a provision of a treaty necessarily repeals the treaty itself. This is sound law as well as common-sense. In order to secure a change in the Constitution, the favorable action of Congress and the consent of three-fourths of the legislatures of the States are required. When such care was exercised to prevent the hasty change of any of the provisions of the organic law, it cannot have been the intent of its framers that a treaty, entered into by a single plenipotentiary and ratified by the President and Senate, should have a power binding as that of the Constitution itself, and be capable of disturbing our industrial, social and political equilibrium. To say that the Senate and an envoy appointed by the President possess a power greater than that of both Houses of Congress and the President together, is to reverse the principles and traditions that have controlled the Government and expressed the will of the people from the beginning. That vigorous action is necessary in our own defence is, I think, clear to any one who will carefully investigate the facts and draw conclusions from them with the same direct logic as is applied to the ordinary concerns of life. And there is no ground for doubt that this action, to be effective, should not be delayed.

I have already said that our treaty with China should be abrogated, and have indicated the general principle through which that result may be directly reached. But this should not be dismissed with a paragraph, and its close and minute examination should not be forborne. The national conscience and the national dignity demand that in an international controversy, our people should show as clear a cause as would, in the case of an individual, call for a favorable verdict in a court of equity. What, then, are the legal and equitable conditions involved in the remedy of the present and the prevention of the impending evil? What are the methods under the forms of law, and according to precedents established as just between nations, by which the policy of the Government may be reversed and the immunity of our people from Asiatic invasion be secured? To answer this query, requires an investigation of the nature of treaties, and their scope and limitations as concerns their binding force; of the course pursued by other nations in similar but less momentous exigencies; of the precepts of our own political jurisprudence; and of our treaty relations with China since and including the first convention entered into, thirty-six years ago. In other words, we are now led to a consideration of the law of nations so far as it relates to the matter before us.

A treaty is not, as pro-Chinese advocates apparently believe, a contract changeless as the laws of the Medes and Persians, and binding for all time, no matter what ruin it may entail. It is an agreement entered into by two powers for their mutual advantage; and, like a contract between man and man, depends for its permanence and validity upon equity and good conscience. Although some treaties, for example those relating to boundaries, are in a manner permanent, as they revive after war unless modified by subsequent conventions, yet most, in the very nature of things, are transitory. The conditions under which they are made change or disappear, and what at first was equitable, or believed to be so, is proven by the lapse of time to be productive of harm. Thus it is that while some treaties have been in a degree enduring, and have established certain principles of public

comity, by far the greater number have been modified from time to time, to bring their provisions into closer concord with newly developed ideas of national safety or international justice.

This fact lies at the very foundation of the law of nations; without it, future generations might be chained and mortgaged by their predecessors, and have no recourse. Without it, a people might be ruined by the mistakes of a vain diplomatist, the treason of a crafty ruler, or the thoughtless outburst of a popular enthusiasm. It is not to be permitted that the liberties, the prosperity, the evolution and development of nations should be arrested by the iron weight of unchanging and unchangeable treaties which, under verbal forms, might place the industries and the social and political interests of a country in jeopardy, as those of this country are jeopardized by China at the present time. Hence, a treaty which tends to the irremediable injury of one of the contracting parties is absolutely void; it has no place in the law of nations. This is and has been held by jurists since the code of nations was first formulated as the highest expression of human law. In the words of Vattel, whose works, during a hundred and twenty years, have been the guide of statesmen and diplomatists: "A treaty pernicious to the State is null, and not at all obligatory, as no conductor of a nation has the power to enter into engagements to do such things as are capable of destroying the State for whose sake the government is intrusted to him."

And, further, not only may no treaty-making power alienate the welfare of its people, but it is contrary to the order of nature and the well-being of humanity, that a nation should be held to conditions that tend to its overthrow. Says the same writer: "The nation itself being necessarily obliged to perform everything required for its preservation and safety, cannot enter into engagements contrary to its indispensable obligations." In like manner Wheaton, the American publicist, whose treatise has been an authority for more than forty years and which, it may be remarked, was translated into the Chinese language sixteen years ago for the use of the Chancellerie, expressly holds that "a total change of circumstances" renders a treaty "no longer obligatory." And the

venerable Dr. Woolsey, whose volume is the text book of American colleges, uses on this head language stronger even than that of Vattel. "A treaty," he says, "in which the "treaty-making power flagitiously sacrifices the interests of the "nation which it represents, has no binding force. In this case "the treacherous act of the government cannot be justly re- "garded as the act of the nation, and the forms ought to give "way to the reality of things."

Let us consider the Burlingame treaty upon the principles elaborated by these masters of juridical learning, and by the truths that spring from natural law as well as from legal lore. That treaty in its direct outcome has convulsed the industries, disturbed the political condition, and destroyed the social balance of one of the best portions of our country. It has arrayed section against section, and class against class. It tends to depress the laborer to vassalage, and to elevate the great landholder to almost feudal power, and threatens at no distant day to deliver one of our fairest regions to the sway of the Mongolian, and to bring to the eastern portion of our country the same embittered relations between capital and labor, employer and employed, that now agitate the people of California and bar the way of progress of their State. Even if that treaty is otherwise binding, which it is not, and even if there were no other objections to its validity, and there are many, its pernicious results and its inherent folly should insure its immediate and absolute abrogation. Its annihilation falls clearly within the provision of the law of nations, and would be more than justified by the primary law of self-preservation.

Nor will we find precedents far or few. History is full of them. Less in magnitude it may be, but in ethics and principle the same. Three hundred and seventy-four years ago the States General of France compelled their King to cancel a treaty "because that treaty was pernicious to the kingdom." Less than four decades ago the same country, under the Lamartine administration, after the flight of Louis Philippe, made solemn declaration that "The treaties of 1815 exist no longer in the eyes of the French Republic." In 1850 Great Britain invoked war, the destroyer of treaties, and

blockaded the ports of Greece because, as was alleged, the courts of that country "were in such a state that justice could not be had" by one Pacifico, a British subject whose dwelling had been sacked to the extent of seven hundred and fifty dollars by an Athenian mob. And this was done notwithstanding the rule of international law under which Pacifico should have exhausted his remedy in the Greek tribunals before appealing to the political branch of his own Government. The action of the United States regarding the French treaties is hereinafter adverted to. The course of Russia in annulling a restriction on her freedom of action in eastern Europe, laid upon her by treaty stipulations with the Western Powers, is too recent to require more than a passing mention.

As concerns the treatment of this question from a legal standpoint by our own government, we have to bear in mind that it is presented in two aspects. First, the legal right of Congress to repeal a treaty. Second, the moral justification for such repeal. The former was indicated by judicial *dicta* nearly a century ago. In the case of *Ware* v. *Hylton*, before the Supreme Court of the United States, in the year 1796, it was asserted by Justice Iredell that if Congress should declare a treaty void, he should deem it his duty to so consider it "and then forbear any share in executing it as a Judge." The question became, however, the subject of more careful and determinate consideration about thirty years ago, and the principles involved have been elaborated by a series of juridical opinions and judicial decisions extending nearly to the present date. It was carefully entered into in 1851 by the then Attorney General with reference to the power of the Secretary of the Treasury in the matter of certain Florida claims preferred under the ninth article of the treaty between the United States and Spain.

Regarding this it was fully conceded that an act of Congress, subsequent to the treaty, conflicted with the latter. The opinion is careful and exhaustive, and its conclusions were expressed in no uncertain terms. It set forth that the only provision of the Constitution relating to the subject is, that

"This Constitution and the laws of the United States which "shall be made in pursuance thereof, and all treaties made, or "which shall be made under the authority of the United "States shall be the supreme law of the land." After quoting this, the sole authority under which the government may conclude a treaty the opinion continues: "An act of Congress, "then, is as much a supreme law of the land as a treaty. They "are placed on the same footing, and no preference or superio- "rity is given to the one over the other. The last expression "then of the law-giving power must prevail, and just for the "same reason, and on the same principle that a subsequent act "must prevail and have effect though inconsistent with a prior "treaty."

Further on in the same opinion the same jurist condenses the controlling principles of constitutional and international law bearing upon the question under consideration, in language so clear as to be worthy of extended quotation. He says: "The "supreme political and legislative power of this country is "placed in the hands of the Government of the United States "under the constitution, and its acts are uncontrollable except "only by that constitution: and that constitution does not say "that Congress shall pass no law inconsistent with a treaty, and "it would have been a strange anomaly if it had imposed any "such prohibition. There may be cases of treaties so injurious, "or which may become so by change of circumstances, that it "may be the right and duty of the government to renounce or "disregard them. Every government must judge and deter- "mine for itself the proper occasion for the exercise of such "a power; and such a power, I suppose, is implicitly "reserved by every party to a treaty, and I hope and "believe belongs inalienably to the Government of the United "States. It is true that such a power may be abused, so "may the treaty-making power, and all other powers, but "for our security against such abuse we may and must rely on "the integrity, wisdom, and good faith of our government." From this opinion of the law officer of the government, designed to aid the latter in its relations with foreign powers, we may turn to the decisions of our courts in

which the same problem has been presented to their jurisdiction in matters of domestic concern.

In 1855 the question of the power of Congress to repeal a treaty, came before the United States Circuit Court for the first circuit, in *Taylor* v. *Morton*, before Judge B. R. Curtis, whose profound learning in the higher branches of the law has long been the subject of legal encomium. The action related to the collection of duties, on the importation of Russian hemp, levied under an act of Congress admitted to be in direct collision with the treaty concluded with Russia in 1832. The question so far as it relates to the issue under consideration, was stated by the Court in the following words: "That an act of Congress should levy a duty upon imports "which any existing commercial treaty declares shall not be "levied, so that the treaty is in conflict with the act itself, shall "the former or the latter give the rule of decision in the "judicial tribunals of the United States in a case to which "one rule or the other must be applied." Through a chain of reasoning cogent and convincing, but too closely woven throughout to admit of brief extract, the Court arrived at the conclusion that Congress has the power of repealing treaties. This decision was reached not only from the terms of the constitution itself, but upon the further ground that any other interpretation would render the government of the United States unable to change or abrogate a treaty without the consent of a foreign government. Said the learned and able judge: "That the constitution was designed to place our "country in this helpless condition is a supposition wholly "inadmissible." Upon a still broader basis of reasoning he enforced a primal principle of international law by declaring that the power to refuse to execute a treaty "is a prerogative "of which no nation can be deprived without deeply affecting "its independence," and expressed his clear and profound conviction of this in the following words, "that the people of "the United States have deprived their government of this "power in any case I do not believe. That it must reside "somewhere and be applicable to all cases I am convinced, I "feel no doubt that it belongs to Congress." The Court

found moreover a leading precedent dating back as far as the year 1798, when Congress declared the treaties with France no longer obligatory on the United States.

The same principle was affirmed by Judge Woodruff in *Ropes* v. *Clinch*, in the Circuit Court of the United States for the southern district of New York, so recently as April, 1871. Although the parties were different, the subject-matter was substantially the same as that in *Taylor v. Morton*, the suit having been brought against the Collector of the Port of New York, to recover duties paid under a law in conflict with our treaty of 1832 before referred to; the duties having been paid under protest. The sixth article of the treaty declared in substance that no article, "the produce or manufacture of Russia," should pay a higher duty than a "like article produced or manufactured in any other foreign country," whereas the Act of Congress levied forty dollars per ton on the hemp of Russia, and but twenty-five dollars per ton on the hemp of India and Manilla.

Here was a direct conflict between the express terms of a treaty and the specific language of an act of Congress of later date. The language of the act was held by the Court to be unequivocal, incapable of any interpretation that would not place it in direct conflict with the treaty. The Court said: "I understand it to be conceded, and if it be not, I should be "constrained to hold that the legislative department in this "government may pass any law it pleases (if it is otherwise "constitutional), notwithstanding its conflicts, and notwith-"standing whatever degree greater or less it conflicts, with the "existing treaty with a foreign nation." In the same paragraph the Court declared that the legislative department has power to "give to those laws efficiency and force." The question had, however, come before the Supreme Court of the United States, in the previous year, in the *Cherokee Tobacco Case*, in which the merits were as follows:

By the tenth article of a treaty entered into with the tribe in 1866, it was agreed that "Every Cherokee Indian and freed "person residing in the Cherokee nation shall have the right to "sell any products of his farm including his or her live-stock, or

"any merchandise or manufactured products, and ship and "drive the same to market without restraint; paying any tax "thereon which is now or may be levied by the United States "on the quantity sold outside of the Indian Territory." In 1868 Congress passed a law for the collection of internal revenue, which imposed a tax "on distilled spirits, fermented liquors, "tobacco, snuff and cigars produced anywhere within the "exterior boundaries of the United States." It is therefore plain that while the treaty guaranteed certain exemptions to the Cherokees, the internal revenue law swept those exemptions away. In the language of the decision of the Court, delivered by Mr. Justice Swayne, "undoubtedly one or the "other must yield, the repugnance is clear, and they cannot "stand together." The determination of the matter was lucidly set forth in the following terms: "The effects of treaties and "acts of Congress when in conflict, is not settled by the "Constitution. But the question is not involved in any "doubt as to its proper solution: a treaty may supersede a "prior act of Congress, and an act of Congress may supersede "a prior treaty. In the cases referred to (*Foster et al.* v. "*Neilson*, and *Taylor* v. *Morton*) these principles were "applied to treaties with foreign nations, treaties with Indian "nations within the jurisdiction of the United States, what-"ever considerations of humanity and good faith may be "involved and require their faithful observance, cannot be "more obligatory; and no higher sanctity and no greater "inviolability or immunity from legislative invasion can be "claimed for them."

The text-writers, following the authorities, of course enunciate the same principle. Story on the Constitution, after an explanation of the force and obligations of treaties, considered as laws, proceeds as follows: "This will not prevent "them from being cancelled or abrogated by the nation upon "grave and suitable occasions, for it will not be disputed that "they are subject to the legislative power, and may be repealed "like other laws at its pleasure." It is thus manifest that the whole course of American jurisprudence, as conceived by jurists, and made authoritative and binding by our highest

courts, holds that a treaty may be repealed by an act of Congress. The vested right of the legislative branch of the government to take such action as may seem requisite for the welfare of the people, irrespective of contracts entered into with foreign nations and here held to have the force of law, is therefore beyond dispute. Such being the case, we are brought now to this further consideration: What questions of public morality are involved in the exercise of the legal attributes of Congress in the premises?

At this point we are to bear in mind another and a very clear distinction which exists between a treaty considered as a law, and a treaty considered as a contract. As regards the powers of the legislative branch of our government the matter must be considered from the former aspect, for this is enjoined by the express language of the Constitution. But as concerns the equities or moral obligations of a treaty, as between nation and nation, it is to be looked upon in a different light. The provision of the Constitution defines the status of a treaty within our own territory: it does not establish its extra-territorial position. This last depends upon the general principles of the law of nations, and under this—as defined by Chief Justice Marshall in *Foster & Elam* v. *Neilson*, and by all the commentators before and since—"a treaty is in its nature a contract between two nations." The legal power to rescind a contract being conceded, its sanctity and permanence should depend upon its fairness. In other words, upon the absence of those elements of deceit, error, or unconscionable hardship which would nullify an agreement between individuals. For it can hardly be maintained that a principle which would destroy a contract between man and man should not be held to apply to one in which the welfare of fifty millions of people is involved.

Before proceeding to the broader consideration of this phase of the matter, it may be well to remark that our courts have carried this idea into effective decisions, as notably shown in the *Cherokee Tobacco Case* above referred to, which was in part decided upon the fact that the treaty would have protected illicit gain within the Cherokee territory and

interfered with the general welfare of the community. It is also recognized in the broad statements of doctrine which I have quoted from Vattel, Wheaton and others, as to the lack of inherent power in any country to lawfully injure itself by the unwise use of the treaty-making power. As I have already referred to the injury wrought to American industries and institutions by the inflow of Chinese under the provisions of the existing treaty, it is hardly necessary to further insist that this alone should be held a sufficient reason why the lawful authority of Congress should be exercised with a view to its prevention.

We may now pass to another portion of the subject, that relating to the origin and effects of the Burlingame treaty. In doing this we necessarily revert to our early diplomatic relations with China the latter designated in the treaties as the Ta-Tsing Empire.

In 1843, at an expense of forty thousand dollars, Caleb Cushing was sent as Envoy Extraordinary, etc., "to estab- "lish the future commercial relations between the United "States and the Chinese Empire on terms of national equal "reciprocity." A treaty was concluded in the following year and ratified by the Senate early in 1845. Within seven years from that date the influx of Chinese into California had alarmed the inhabitants and led to protests which were disregarded by public opinion east of the Rocky Mountains, and treated with contempt by the government. In 1858, an American Commissioner was sent to coöperate with the Envoys of other foreign countries in the accomplishment of the objects sought by the selfish and aggressive diplomacy of Europe. This was but a continuation of our national subserviency to the interests of Great Britain, France, and other European countries who were seeking to establish themselves in Chinese waters for the purpose of controlling Chinese trade. This resulted in a second or additional convention, ostensibly for the regulation of commerce. Although these two treaties in many respects bore in favor of the Chinese and against the Americans, their defects were rather negative than positive. There was nothing in them that divested the United States of the

right to control immigration to its own territories, or to restrict or regulate the privileges of an alien people in its midst.

It was left for an American citizen to resign the proud position of an American plenipotentiary, and to accept in its place the paying patronage of the Chinese Emperor; and through this to fasten upon his country obligations that in every line were a betrayal of her interests and a thrust at her permanent prosperity. In 1861 Anson Burlingame was sent to China as the Envoy of the United States. In 1867 he left the service of his own country, and returned as the head of a Chinese commission; his associates being two native Mongol statesmen whose inferior station and astute humility provided a delicate foil to the ostentatious vanity and empty assumption of the tinsel Ambassador. While the nominal chief of this Chinese embassy was overflowing with, and overflowed by, turgid streams of sentiment, his associates, the sedate Celestials, were quietly engaged in framing a treaty which, in sum and substance, was a series of abject concessions to China. In no wise was it an advantage to the United States. We cannot reasonably objurgate the Chinese Envoys for doing their utmost for their own people, and we may even admire their sagacity in making use of an American implement in compassing their designs. It was their duty to secure the greatest possible benefit to their own government and to its subjects, and they would have less deserved our esteem as patriotic men and skilful statesmen had their efforts been less than they were. But it is hardly possible to speak with respect of the mock mandarin, their associate and instrument, or of his aiders and abettors here. Every paragraph of what is known as the Burlingame treaty is either a useless or mischievous concession, or a formal recital of some mere platitude.

Section I binds the United States not to attack "the citi-
"zens or subjects of any foreign power, or their property,
"with which they may be at war," on any of the tracts of lands or water of the Empire, which China had conceded to the citizens of foreign powers, and the same section also provides in substance that the Chinese authorities shall not be

divested of jurisdiction over the persons and properties of citizens of the United States, in any tract of land conceded to the latter, except in the special treaty ports. Article II provides that "any privilege or immunity in respect of trade or "navigation within the Chinese dominions which may not "have been stipulated for by treaty, shall be subject to the "discretion of the Chinese government, and may be regulated "by it accordingly." Section III enacts that Consuls appointed by the Emperor of China shall enjoy the same privileges and immunities in the ports of the United States as those enjoyed by the Consuls of Great Britain and Russia. Section IV concedes to the Chinese the previously disputed point, that places of sepulture must be held free from disturbance or profanation, and also provides for liberty of conscience in either country. This latter article, taken in connection with the rest of the treaty, means that an American may enjoy liberty of conscience in the treaty ports of China and the Chinese shall enjoy the same liberty throughout the whole extent of the United States: but as this is guaranteed in any case by our Constitution, and as the liberty existed in the treaty ports without the aforesaid articled, the latter is simply an empty paragraph. Article V, in express terms, "cordially recognizes "the inherent and inalienable right of man to change his "home and allegiance, and also the mutual advantage of the "free migration and emigration of their citizens and subjects "respectively from the one country to the other for purposes "of curiosity, of trade, or as permanent residents." The advantage of which provision, in the nature of things, inures solely to the Chinese, for the reason that where one American emigrates to China, five hundred Chinese immigrate to the United States.

The same article contains a proviso that certain laws shall be passed concerning the forced emigration of coolies, and of this I shall have occasion to speak hereafter. Article VI is that under which Chinese immigration is protected at the present time, and from its importance I quote it at length. It is as follows: "Citizens of the United States visiting or "residing in China shall enjoy the same privileges, immunities,

"or exemptions in respect to travel or residence as may there "be enjoyed by the citizens or subjects of the most favored "nation; and reciprocally, Chinese subjects visiting or residing "in the United States shall enjoy the same privileges, immu- "nities, and exemptions in respect to travel or residence as "may there be enjoyed by the citizens or subjects of the most "favored nation. But nothing herein contained shall be held "to confer naturalization upon citizens of the United States in "China, nor upon the citizens of China in the United States." The effect of this is plain when we reflect that China grants to the most favored nation simply the right to reside and trade in certain specified localities, seven in number, while the United States grants to its most favored nation the right of access for travel, trade, or permanent residence in any part of our country without restriction. Article VII provides for reciprocity in the matter of schools; American citizens to be at liberty to enjoy the privileges of the public educational institutions under the control of the government of China, and Chinese citizens to be at liberty to enjoy the like privileges in the United States. By this article also, "citizens of the "United States may freely establish and maintain schools "within the Empire of China at those places where foreigners "are by treaty permitted to reside." In return for this it is provided that, "Chinese subjects may enjoy the same privi- "leges and immunities in the United States." In other words, in the seventh article as in the sixth, the half dozen treaty ports, more or less, of China, are set off against the whole extent of the United States.

As article VI was a triumph in behalf of the Chinese people as relates to this country, so article VIII was a triumph for them at home. This article was a clear and formal waiver on our part of the claims which our envoys, both before and since, have made to interfere in the internal affairs of the Empire. For although this was right and proper in itself it was none the less an evidence of weakness as contradicting our own pretensions, and of undue solicitude for the welfare of China while neglecting our own. In the exact words of the treaty, "the United States do hereby freely disclaim and

"disavow any intention or right to intervene in the domestic "administration of China in regard to the construction of "railroads, telegraphs, or other material internal improvements." To render this still more potent and definite, His Majesty, the Emperor of China, "reserves to himself the right "to decide the time and manner and circumstances of introducing such improvements within his dominions," but the genuflexions of our government went still lower, for, to again quote from the treaty, it was, "agreed by the contracting "parties that if at any time hereafter His Imperial Majesty "shall determine to construct or cause to be constructed works "of the character mentioned, within the Empire, and shall "make application to the United States, or any other western "power, for facilities to carry out that policy, the United "States will in that case designate and authorize suitable "engineers to be employed by the Chinese government, and "will recommend to other nations an equal compliance with "such application." By this we are bound to supply on demand teachers in engineering to the Chinese government, and are also obligated to become their humble advocates in urging their requests upon the cabinets of Europe.

In these seven articles is comprised the whole of the Burlingame treaty. It is composed of these seven articles and no more. Not one of these articles has ever brought, or is capable of ever bringing, any advantage to this country in return for the concessions to China. Yet it was this treaty which was ratified by our government and hailed by a large portion of our people with an affluence of delight as inaugurating a new era of peace and good-will to men. Never was human folly more thoroughly exemplified, and never has it been punished more speedily or with greater bitterness. It is twelve years since the ratification of the Burlingame treaty, and today on our Pacific coast the Mongol is stronger than we, and in the eastern portion of our country his advent adds a new element to the complex problems of our restless society and lays a new burden on the already overweighted shoulders of the producing classes. That an international contract in which the advantages are all on one side and all the disadvantages on the

other; in which no equivalent is rendered for benefits offered or inconveniences endured, can be morally or equitably binding, is a proposition absurd upon its face.

There is, moreover, another solution of the question of right, which should satisfy even those who, deeming equity insufficient and expediency a thing of evil growth, contend for legal forms as the embodiment of justice. It is an axiom of all law that where a contract is broken by one of the parties thereto it cannot be held to be obligatory on the other. Grotius authoritatively declares that "every article of a treaty "carries with it a condition, by the non-performance of which "the treaty is wholly cancelled," and Vattel enforces the same idea in the following words, "the party who is offended or "injured in those particulars which constitute the basis of the "treaty is at liberty to choose the alternative of either com- "pelling a faithless ally to fulfil his engagements or of declar- "ing the treaty dissolved by his violation of it." The principle indeed cannot be controverted, for were it otherwise one party flagrantly violating an international compact could still compel another to fulfil pledges given in consideration of the very pledges flagitiously broken.

This is precisely the condition of affairs with reference to the Burlingame treaty. Under the fifth article the contracting powers agreed to pass laws making it a penal offence for a "citizen of the United States to take Chinese subjects either "to the United States or to any other foreign country, or for "a Chinese subject or citizen of the United States to take "citizens of the United States to China or to any other foreign "country without their free and voluntary consent respect- "ively." The United States has kept its part of this compact by sections 2158 to 2164 inclusive of the Revised Statutes, the provisions of which are positive in their terms and almost extreme in their penalties. China, however, has utterly neglected to make such a law or to take any effective steps to prevent emigration, under duress, of her subjects.

It has been already shown that in California the Chinamen are held under the despotic control of the Six Companies, and it is beyond dispute that the Companies obtain their

immigrants through a process of sale which amounts to nothing more or less than an infraction of the treaty. With characteristic cunning and far-sightedness the Chinese place the barracoons of coolies within the territories allotted to foreigners. They were at one time located in Hong Kong, which is under British control; but when the outrage became too manifest they were removed to the Portuguese territory of Macao. To prove in any individual instance that a Chinaman passed from the Chinese population of Canton to the Chinese population of Hong Kong or Macao is, of course, practically impossible, although the fact that such is the case with the thousands thus transferred is demonstrated by the very existence of the barracoons. Further, although the passage of Chinese subjects to territories controlled by Europeans is a matter with which the United States can have no legal concern, and in which by international law it is prevented from interfering, the obligation assumed by China is not qualified by any exception, and so far as her own action is concerned is as obligatory as if Hong Kong and Macao did not exist. The fact that the Chinese government has not thought proper to contribute even the empty form of an edict to the observance of the treaty is a practical repudiation of its provisions. Renounced by China that treaty is not binding upon the United States. Thus the strictest interpretation of law, as does all else, makes manifest the right of our government to avoid in its turn the disregarded compact. The duty, also, is clear, for except through Congressional action there is no remedy. The Burlingame treaty, in fact and substance, is an estoppel upon the full and free administration of our municipal affairs. It is true that China has rendered the treaty void; true that its existence is a continual injury to this country. But before a declaration on the part of the political branch of the government, neither the States in their corporate capacity, nor the Federal courts in considering the treaty as a law, can take cognizance of the truth however manifest. Thus, the action of State legislatures has been repeatedly made impotent and useless by Federal decisions founded upon a treaty nullified by non-performance on the part of the very power in behalf of whose subjects it has been invoked.

As I draw toward the conclusion of this examination of our relations with China, it may be proper to speak somewhat of the objections made to the repeal of the Burlingame convention by the advocates of the present state of affairs. Few of these merit sober discussion; and many, were it not for the grave import of the subject, might well call for mirthful derision. It is urged that we should not propose to cancel the treaty inasmuch as it was forced upon China; as if a blunder or a crime once committed must be persisted in while the evil of it broadens and deepens until remedy becomes impossible. We are told that Chinese labor "in our fields and "shops will certainly benefit our industry," despite the teaching of nearly thirty years to the contrary. We are informed, in sentimental phrase, that "if the higher civilization and "Christian energy of the American people of California "cannot devise means to remove the ignorance, abate the "prejudices, and enlighten the Paganism of those thus brought "to their doors, it is weak indeed." The sentimentalist being unmindful of the historic truth that the higher civilization, which necessitates comfort and luxury of life, inevitably goes to the wall when brought in competition with the lower civilization which asks for none of these; and heedless also of the further truth that the real object of our Christian energy should be to retain our country for the Christian civilization of our own and kindred peoples, and not to convert it into a colossal remedial institution for the eradication of the moral deficiencies of a race so utterly distinct that its fusion with the Caucasian is impossible.

Proceeding in the same strain, it is gravely pleaded that our law should be "formulated in Chinese" for the benefit of the immigrants, "and that direct oversight by responsible "officers [should be] maintained over this alien population, "which it is the duty of a government to do;" which would require the addition to our government of a special eleemosynary department. We are also to "prevent the extension of opium-smoking among them," but are not informed how this very desirable object is to be achieved, the penalty of death having been insufficient to restrain the Celestials from

this vice in their own country. We are to "learn thoroughly the working of their companies and guilds," but are left in darkness as to the *modus operandi* of so doing, and necessarily so, for these companies and guilds have a secrecy as deep as that of any secret societies in the world: these associations being one of the means by which Chinese competition with the white races is advanced and strengthened. We are to "encourage them to bring their families," but as the advocate of this "encouragement" sets forth in another part of his statement (I am quoting from an official report) that "Chinese "women refuse to go anywhere," it is difficult to perceive in what way the encouraging process could bring forth any tangible result.

It is also said that we are to "inform them upon whatever will help them to become better," and this is proposed to be accomplished by "educating a number of Americans in the "Chinese language for official interpretors and translators;" in other words, through the agency of a legion of pensionaries of the government. I would not have referred to this spur of the subject in so long a paragraph were it not that the sentences quoted are fair illustrations of what passes for reasoning in the pro-Chinese mind. They are taken word for word from the public document, *Foreign Relations of the United States*, for the year 1876. Their author was a member of the United States Legation at Pekin. It may perhaps be worth while to quote still further from the document from which these extracts are taken. It ascribes the inflow of Chinese in California to "the Providence of God," forgetful that it had its beginning, as we have had occasion to note, in brutal aggressions of which we were quick to take advantage and in which to no small extent we shared, upon a power that had never harmed us, and that it has reached its present proportions because we have recklessly left open the gateways of our own land while wantonly reaching forth to spoil the possessions of another.

One further comment on this Chinese encomiast. He asserts that the repeal of the treaty "would have little or no "effect upon the emigration" and that "the Imperial govern-

"ment can no more control the movements of its subjects or "keep them within its territory than the President can restrain "those of our citizens." This is on page 67 of the volume referred to and is dated Pekin, June 30th, 1876. On page 48, under date of March 21st of the same year, another official, the American Minister, writing from Hong Kong concerning the treaty concluded six weeks earlier between China and Peru states that "the great object of Peru in procuring a treaty was to promote Chinese immigration, this had been virtually stopped by the action taken at Macao, here in Hong Kong and by the Chinese authorities." It is, moreover, a matter of the commonest historic notoriety that for ages the Emperor had, and exercised, the power of preventing emigration, wherever the traditional policy of the country seemed to require it. The assertion that the despotic ruler of China, whose will is law throughout his vast dominions, has no greater power than the president of a constitutional Republic calls for no remark.

Of no greater weight as reasons, but from their origin and occasion requiring more serious consideration, are the allegations of the Executive in the veto of the bill passed by Congress in February, 1879.

This, as presented to the Executive, forbade the transport of more than fifteen Chinese on any one vessel entering the ports of the United States, and it also directly repealed articles V and VI of the Burlingame Treaty. This repeal was designed to take effect through the action enjoined on the Executive. Omitting reference to the platitudes which have no practical bearing upon the question, it is sufficient to say the veto turns upon an implied denial of the right of Congress to act in the premises.

The words of the veto on this head are as follows, "the "authority of Congress to terminate a treaty with a foreign "power by expressing the will of the nation to no longer "adhere to it is as free from controversy under our con- "stitution as is the further proposition that the power of "making new treaties, or modifying existing treaties, is not "allotted by the Constitution in Congress but in the President "by and with the advice of the Senate, as shown by the con-

"currence of two-thirds of that body." The meaning of this is hardly clear; it first admits the authority of Congress "to "terminate a treaty with a foreign power" and then sets forth, if it has any meaning at all, that Congress cannot terminate two articles of that treaty. In other words, the somewhat anomalous idea is advanced that while Congress can abrogate an entire treaty, it cannot abrogate a part of it. I venture to say that there is nowhere in the jurisprudence of the civilized world a single decision of any court or a single opinion of any recognized publicist by which this proposition can be claimed to be endorsed. Its fallacy is shown by the decisions of our own courts, hereinbefore previously referred to, for in regard to the treaty with Russia the right of Congress to annul the provision relating to the duties on Russian products was fully and absolutely sustained. The Executive in his veto of the bill appears to have been quite unfamilar with these decisions, he refers to the Act of Congress in 1798 concerning the French treaty, in a manner that clearly indicates this to be the only case bearing upon the subject to which his attention had been called; and even as concerns this, exception may be justly taken to the interpretation which he has placed upon it.

This veto, however, indicates a meaning deeper than is borne upon its face. It is an assertion that the action of the popular branch of the Government may be ignored even in municipal affairs at the will of the treaty-making power; and that in certain contingencies affecting the internal administration of the country, the President may defy both houses of Congress together. Nothing more subversive of the structure of our government or the genius of our institutions can be conceived. Under cover of a treaty once concluded the Executive could block the way to change, however necessary, provided only that the requisite action should be the repeal of some but not all of the articles. A new treaty cannot be concluded without the consent of the President, and if a part of a treaty can only be repealed by such new treaty it would follow that Congress and the people would be powerless under the will of an obstinate master, and the authority

of Congress as a coördinate branch of the government would in such cases be utterly destroyed. It is not necessary to argue that in this country it has never been intended that such power should be asserted or wielded by the Executive.

There is another, though by comparison a minor error, in the veto. It carries the idea throughout, although not in express terms, that the passage of the bill would have operated to destroy all our treaty relations with China. But such would not have been the legal result. Our three treaties with China, that of 1844, that of 1858, and that of 1868, were separate treaties, although successive in their ratification, and the later confirmatory of those preceding. It is almost a truism in public law that where two or more treaties exist between nations the abrogation of one does not necessarily involve that of the other, although it may be made the pretext of formally renouncing the other. In the words of Vattel, "when there "exists between allies two or more treaties different from "and independent of each other, the violation of one of those "treaties does not directly disengage the injured party from "the obligation she has contracted in the others; for the "promises contained in these do not include those contained "in the violated treaty." Even from the stand-point of the Executive, which wholly ignores the fact that China has abrogated the Burlingame treaty by neglect or refusal to carry out one of its essential provisions, the formal annihilation of that treaty would not necessarily work the forfeiture of the two preceding. To state the principle more briefly: while the infraction of one article of a specific treaty is held under the code of nations to release the opposite party from all the provisions of that particular treaty, the abrogation of one treaty does not render other and distinct treaties void, but at the most they are only made voidable.

In view of the utter fallacy of the pro-Chinese advocacy, it may be asked with a semblance of reason, why has our government touched the subject so delicately; and why has its action, when it has been forced to action, been so adverse to the rising cry from the Pacific Coast. The query admits of a double answer. It may be assumed, without violation of

probabilities, that the same agencies which have so sedulously cultivated a deceived and deceptive public opinion in favor of the Chinese, have worked with no less effort to secure influence at the centres of legislative and administrative control.

There is, however, another explanation which at first view may seem less worthy of credence but which shows strong claims to belief in the relative attitudes of the United States and China, and the official utterances which, unless they be taken as meaningless, cannot be held devoid of timorous expression on the one hand and sinister intent on the other. The veto of the Executive, before adverted to, speaks vaguely of dangers that might accrue from rescinding the treaty. The American Minister to China, in writing of the possibility of its repeal asks "would it not, indeed, imperil all our relations "with the Empire?" Not all of official reports or international communications are published in the "Diplomatic Correspondence" or "Foreign Relations." The State Department retains in its secret archives whatever either a farsighted or a time-serving policy may seem to require: what actual utterances of the Chinese government may have been communicated to our own, or to what stress they may have subjected our Foreign policy, cannot at this time be fully learned. But even with that which is open to public, the strong, clear postulates and decisive demands of the Chinese Central Authority are manifest. Said Feng, Taoti, four years and a half ago, to Bradford, American Consul-General at Shanghai: "steamers, guns, and small-arms, the products of the west, the "Chinese can make for themselves." Two months later Prince Kung, Minister of Foreign Affairs, hardly veiled a threat under the forms of diplomatic courtesy in addressing the American Envoy concerning an alleged assault upon some Chinese coolies landing at San Francisco. He characterized in invidious terms a portion of the population of California and "their purpose of interfering with Chinese immigration," and requested "the suppression of such acts, in order to the maintenance of friendship between the two nations." The full meaning of these words is only apparent when we reflect upon the studied avoidance of exaggerated language which forms

the first lesson in the training of the diplomat, and in which the Chinese are no less adepts than are the envoys of other nations. Nor can we find the menace without meaning when we recall again that China is stronger on the Pacific Coast in men capable of bearing arms than ourselves, and that she can transport ten warriors from the middle of the kingdom to San Francisco at less expense than the United States can convey a single soldier and his knapsack from Chicago to the Coast; that she could send vessels with stronger armor and heavier guns to breach the walls of Alcatraz than we could provide for defence, and could send them in shorter time. Fear then, and its corollary a futile expediency, not less than pressure from the classes that profit from Chinese cheap labor, may lie at the basis of our temporrizing policy with China; a policy that drags and dawdles and sentimentalizes, that sends vain embassies abroad to talk, while at home it operates to destroy the control of our own people over our own country, our own institutions, and the direction of our own future.

Whatever the causes of this policy it has lasted far too long. The conflict is upon us. It cannot be evaded or repressed. Each year of delay renders its labor more arduous and its dangers more great. It has been approaching through unconscious ages, for it is the latest result of the advance in opposite directions of two great peoples, because of a destiny forced upon them by the configuration of the earth. The fruitful alluvial of China lay within boundaries that isolated her from the rest of the world; and here, separate from other races, her people increased and flourished and grew strong. Meanwhile the hardy populations of Northern Asia outgrew the food supply of their comparatively sterile regions, and precipitated themselves with futile valor upon the laborious, patient, brave and enduring denizens of the Central Kingdom. Driven back from the fertile plains at the southward, hindered by the sea to the east, repulsed at the north by the barrenness of arctic solitudes, their only outlet lay westward over the comparatively low lying regions where, in later times, were traced the pathways of the caravans that carried to the

countries of the Caspian the slender traffic of the remotest east. Displacing Goth and Alan and Vandal, they urged these onward to new migrations which, in their turn, impelled the German toward the Atlantic. This, the secondary result of Chinese power, gave a westward movement to strong and hardy peoples whose successive invasions changed the face of civilization from the borders of Persia to the shores of Spain. The first waves of conquest were displaced by those that succeeded or were dissipated by fusion with the native populations, but through all the advance was toward the west; in the nature of things there was no receding. And so in the vicissitudes of ages our progenitors framed the new structure of Europe and, developing from the rudest to the highest form of society, created the nations from which our own people directly sprang.

But the progress did not end with this. The conditions under which the Caucasian developed in Europe, after the fall of the Roman Empire, were parallel with none of those known to anterior peoples. They favored a growth of civic liberty, of earnest intellectual effort, and deep and intense emotional feeling, from which grew the complex relations and delicate adjustments of government, of law, of religion, of science, of arts and industries which have elevated man to a higher semblance of the image of his Creator than was possible under the grosser forms of antecedent civilizations. Yet throughout all this lingered the tendency to reach still further toward the west. And after the venturous ships of Icelandic voyagers had crossed the sea, and the records of Iceland had told the tale to the Genoese, the way of the Caucasian was opened to the continent beyond. Then, not yet four centuries ago, our immediate ancestors, the descendants of the westward-moving hosts, came and possessed the land and left it, an inheritance, to us, their children.

And we, from the hamlets scattered along our Eastern coasts, have followed the instinct inherited through centuries and have pressed westward still, ardent, earnest, toiling, and victorious, until beyond prairie and buffalo plain, beyond alkaline desert and Nevadan forest, we have planted our civili-

zation and builded our cities upon the edge of the utmost ocean whose farther waves wash the shores of that China whose prowess gave its first impulse to the westward journey of our race. That journey is ended. We have completed our share of the circuit of the globe. And on our latest territory we are met by those same Chinese, driven toward the east, their only outlet, as we for ages have been toward the west. The two races have met, and one or the other must give way. The Chinese must recoil to his own land, or we must recede from ours. The two races, distinct as if drawn from different planets, compelled by geographical conditions to advance in opposite directions around the world are brought face to face. They will not mingle, they cannot fuse. The Pacific Coast at an early day, and our entire country at a remoter time, must be the inheritance of the Caucasian or it must be the heritage of the Chinese.

Blind and futile, indeed, is the policy that wavers when confronted with such an alternative. The question before us is a question of the migration of races; of the transplanting of nations. It cannot be met too soon or too decisively, for every succeeding year of neglect renders the issue more doubtful. To express the truth in language plain and terse, if our christian civilization, if our enlightenment, if our free forms of government, if our prosperity and power as a people, are to be preserved and perpetuated for ourselves and our children, then the Chinese must be expelled from our borders at any hazard, and at any cost.

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